

Administrative Draft Addendum

to the Final Environmental Impact

Report for the North San Jose Development Policies Update (SCH#2004102067),
and the Final Program Environmental Impact Report for the Envision
San José 2040 General Plan (SCH# 2009072096)

Super Micro Green Park Project

File No. H14-020

Prepared by the



July 2014

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SECTION 1.0 INTRODUCTION AND PURPOSE

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

In June 2005, the City of San Jose certified the Final Program Environmental Impact Report (EIR) for the North San Jose Development Policies Updated (SCH#2004102067). The North San Jose Area Development Policy (Policy) has since been amended, the updated Policy allows for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, one million square feet of new regional commercial uses, 1,000 new hotel rooms, and 32,000 new dwelling units in North San Jose.

In September 2011, the City of San José certified the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (#2009072096) that provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity would allow a total of 839,450 jobs and 429,350 dwelling units in San José, an increase of 127 percent and 39 percent, respectively, which, if fully developed, would result in a jobs-to-employed-resident ratio (J/ER) of 1.3 to 1.

The purpose of this Addendum is to evaluate the environmental impacts of a Site Development Permit (File No. H14-020) that proposes construction of approximately 182,000 square foot industrial building(hereafter, the “project” or “proposed development”) on a 9.22 gross acre site on the southwest corner of Ridder Park Drive and Schallenberger Road.

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 state that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

Given the proposed project description and knowledge of the project site (based on the proposed project, site specific environmental review, and environmental review prepared for the North San Jose Development Policies Update EIR and the Envision San José 2040 General Plan EIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the North San Jose Development Policies Update EIR and the Envision San José 2040 General Plan EIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the North San Jose Development Policies Update EIR and the Envision San José 2040 General Plan EIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to both the North San Jose Development Policies Update EIR and the Envision San José 2040 General Plan EIR, pursuant to CEQA Guidelines §15164(c).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Super Micro Green Park Project

2.2 PROJECT LOCATION

The 9.22-gross-acre project site is located in the northern part of San José. The site is on the east side of Ridder Park Drive, south of Schallenberger Road. The site is bounded on the east by a Southern Pacific Transportation rail right-of-way and Coyote Creek, on the west across Ridder Park Drive by I-880, on the north by a commercial retail center, and to the south by industrial uses.

Regional and vicinity maps of the project site are shown on Figure 2.0-1 and 2.0-2, respectively, and an aerial photograph shows surrounding uses on Figure 2.0-3.

2.3 PROJECT CONTACT

Vincent Rivero
VER Consultants, Inc
1625 The Alameda, Suite 406
San Jose, CA 95126

2.4 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
Rebecca Bustos, Project Manager
200 East Santa Clara Street
San José, CA 95113-1905
(408) 535-7847

2.5 ASSESSOR'S PARCEL NUMBERS

237-05-016, -036, -039

2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION

General Plan Land Use Designation: *Combined Industrial Commercial*

Zoning Designation: *Heavy Industrial*

Figure 2.0-1 Regional Map

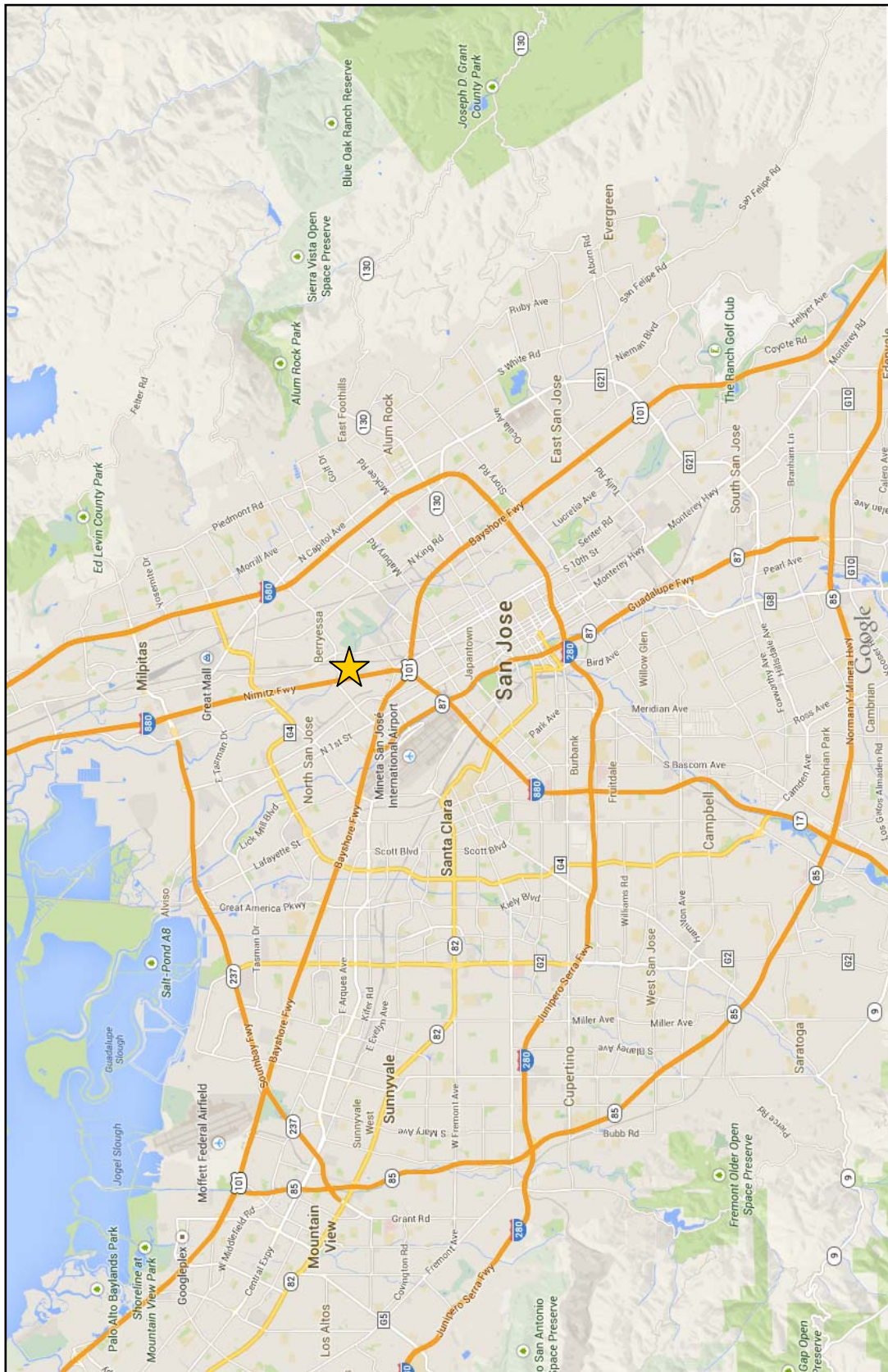
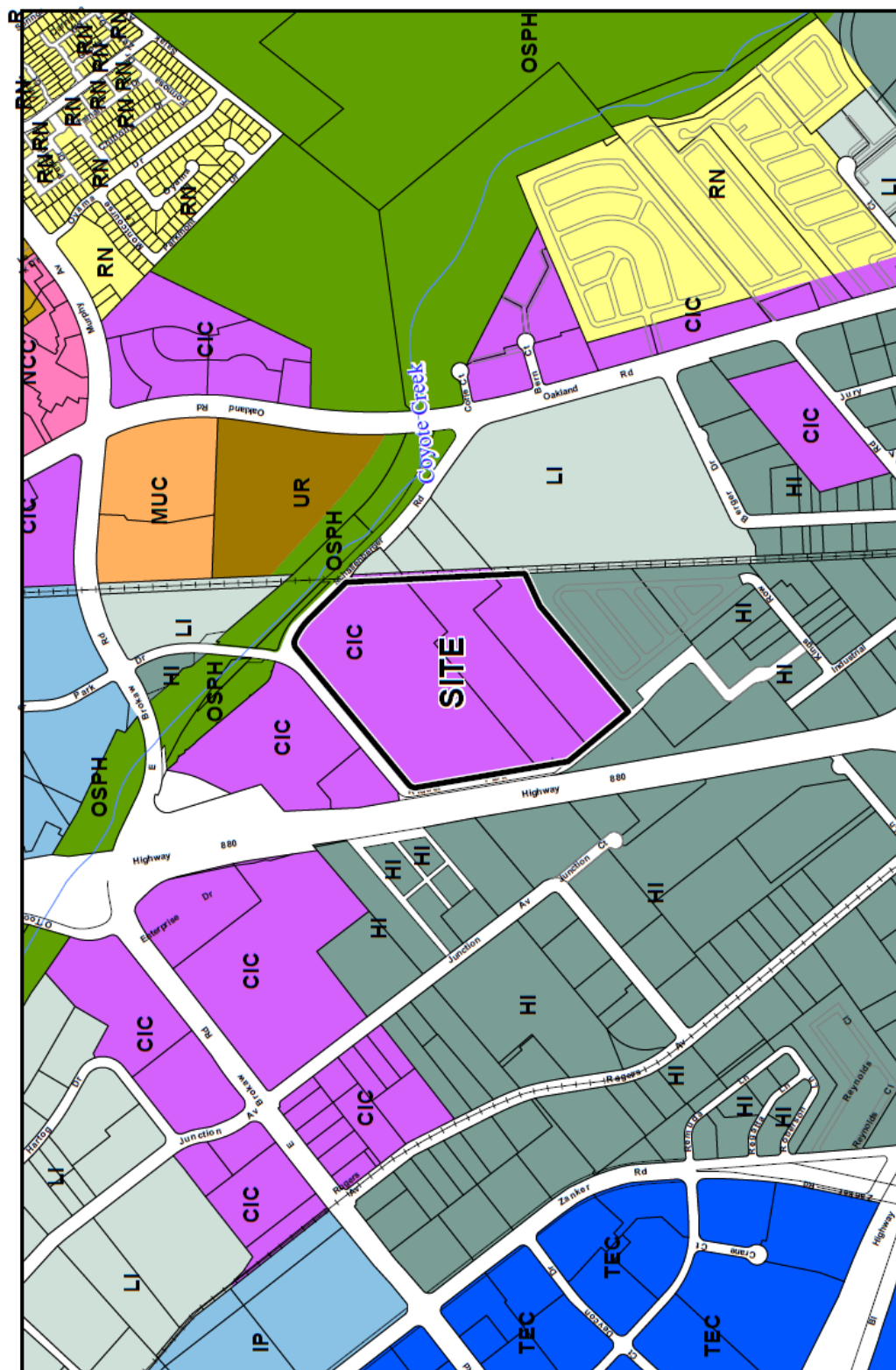


Figure 2.0-2 General Plan and Vicinity Map



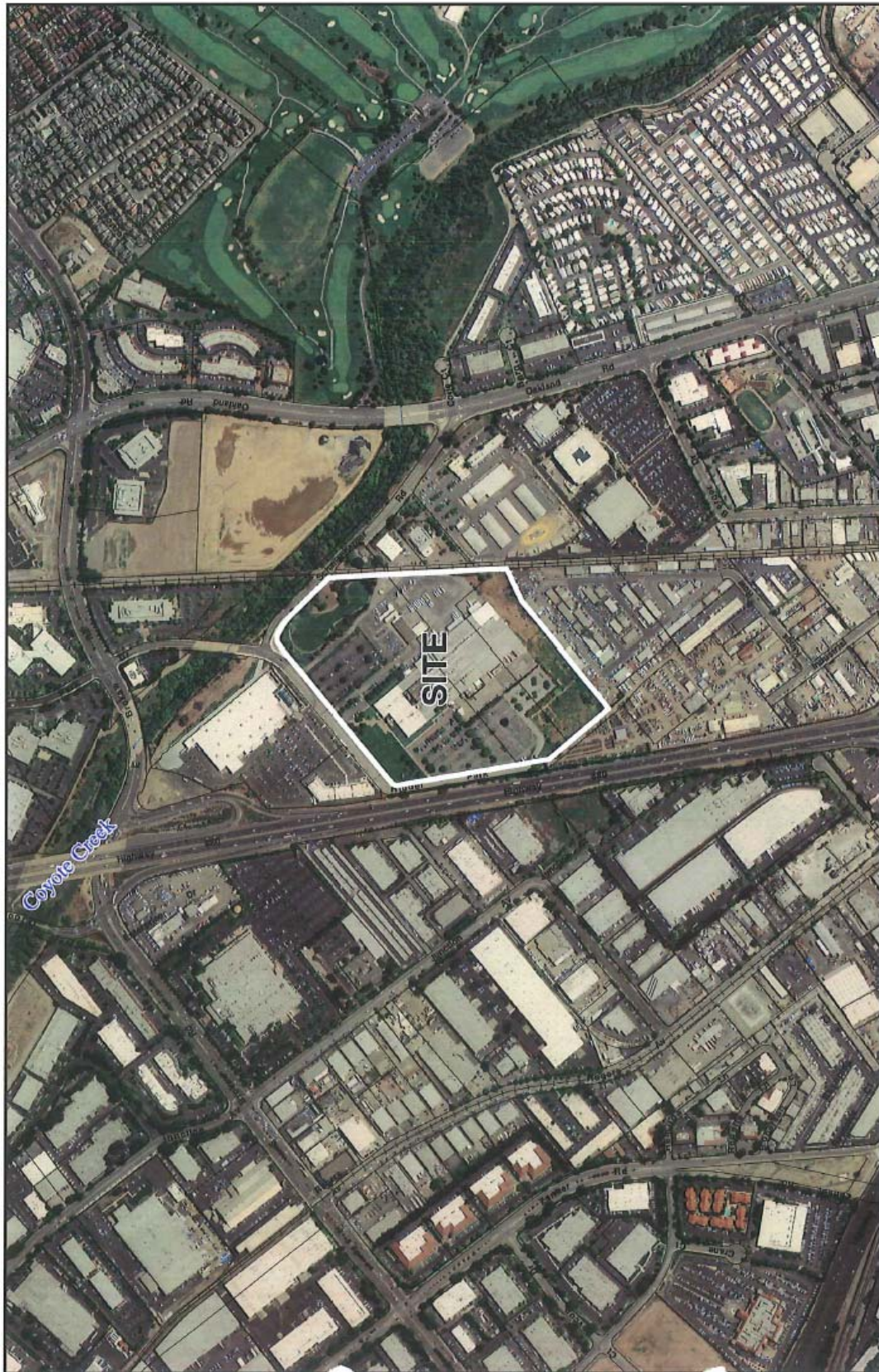
CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Prepared by the Department of Planning,
Building and Code Enforcement
5/12/2014

GENERAL PLAN

File No: H14-020
District: 3

Figure 2.0-3 Aerial Photograph and Surrounding Land Uses



Prepared by the Department of Planning,
Building and Code Enforcement
5/12/2014

AERIAL

File No: H14-020
District: 3

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW OF THE PROPOSED PROJECT

The proposed project entails the development of a 182,000 gross (160,000 net usable) square feet (sq.ft.) industrial building on a 9.22 acre portion of a 35.68 acre site zoned for industrial/office/R&D uses.

3.2 PROJECT DESCRIPTION

The project proposes one single-story industrial building of approximately 182,000 gross (160,000 net usable) sq.ft. and surrounding surface parking on a 9.22-acre site located at the east side of Ridder Park Drive immediately southwest of Schallenberger Road. See Site Plan Figures 3.0-2a and 3.0-2b. Conceptual building elevations are shown in Figures 3.0-3(a)-(e). The remainder of the project site would be landscaping and common open space for employees, as shown in the Landscape Plan, Figure 3.0-4. The project would include the demolition of a vehicle maintenance station, including underground storage tanks and canopy, the removal of 37 ordinance-size trees, and the construction of an 182,000 gross sq.ft. industrial building including office, warehouse, and light manufacturing uses on 9.22 gross acre site.

The project applicant is applying for a Site Development Permit (File No. H14-020) from the City of San Jose.

3.2.1 Site Access

Access to the project site is proposed from a driveway off of Ridder Park Drive and another driveway off Schallenberger Road. Pedestrian access is available via existing sidewalks along Ridder Park Drive and a portion of Schallenberger Road. There are no designated bicycle lanes on Ridder Park Drive or Schallenberger Road.

3.2.2 Parking

The project would include 77 parking stalls in support of the 22,500 sq.ft. of office use, 54 parking stalls in support of the 22,000 sq.ft. of industrial/manufacturing /production use, and 28 parking stalls in support of the 137,500 sq.ft. of warehouse use, for a grand total of 159 parking stalls in support of 182,000 gross sq.ft. building space.

3.3 PROJECT BACKGROUND AND DESCRIPTION

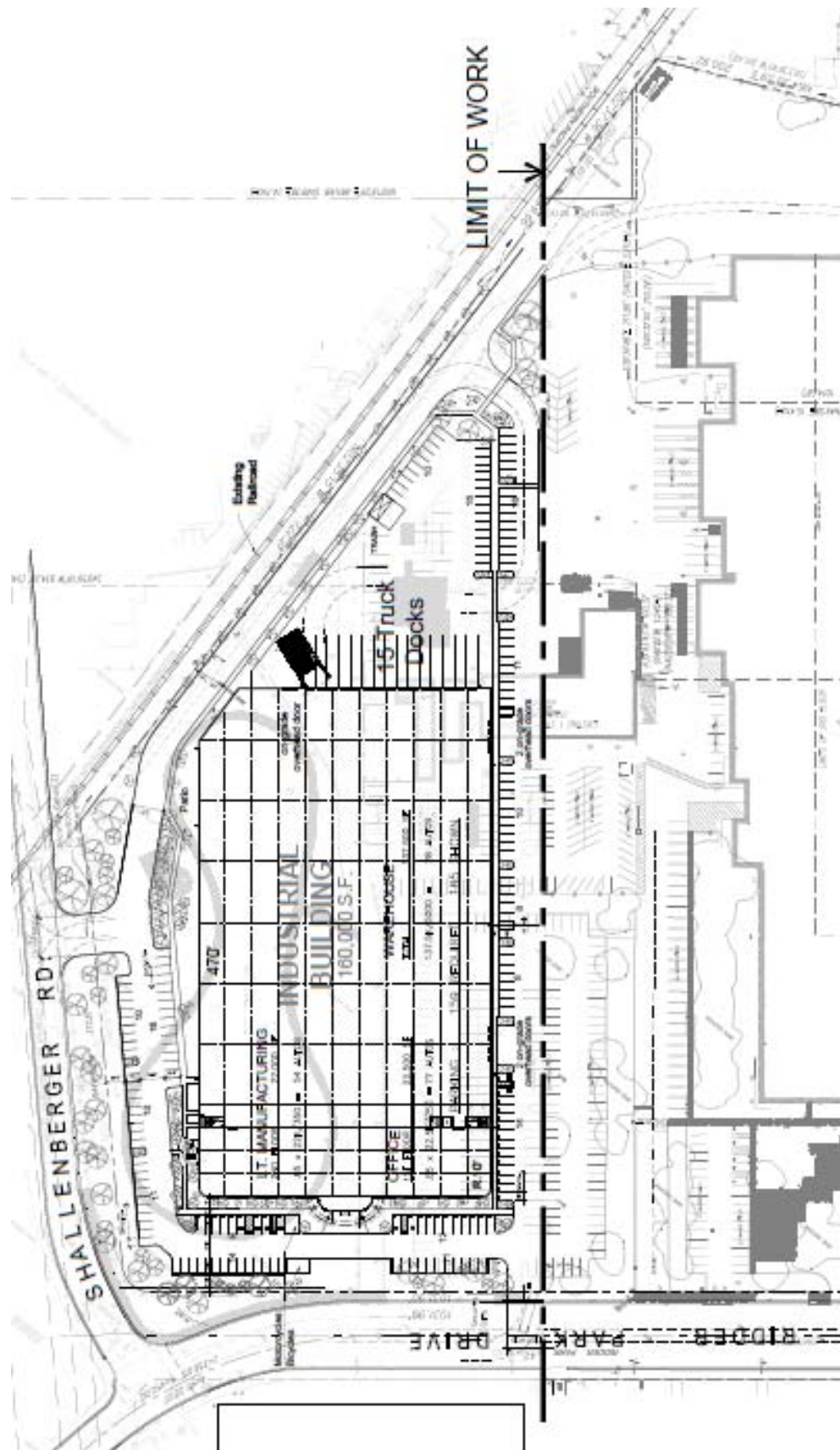
The applicant, Vincent Rivero with VER Consultants Inc. representing the property owner, Super Micro, Inc., filed an application for a Site Development Permit to facilitate the redevelopment of the subject 9.22 gross acre site. This development supports a compatible mix of commercial, office, and industrial development, consistent with the applicable General Plan designation of Combined Industrial/Commercial.

3.3.1 Site and Surrounding Uses

The subject site is a 9.22 acres portion of a 35.67 gross acre site bounded by Ridder Park Drive, Schallenberger Road, and Union Pacific Railroad (UPRR) tracks. The site is the former headquarters of the Mercury News and is developed with three buildings.

The site is surrounded by warehouse retail to the north, Coyote Creek and undeveloped land to the northeast across Schallenberger Road, heavy industrial uses to the south and east across the UPRR tracks, and Interstate 880 to the west across Ridder Park Drive.

Figure 3.0-1 Site Plan: Industrial Building



City of San Jose
Super Micro Project

Figure 3.0-3 Landscape Plan

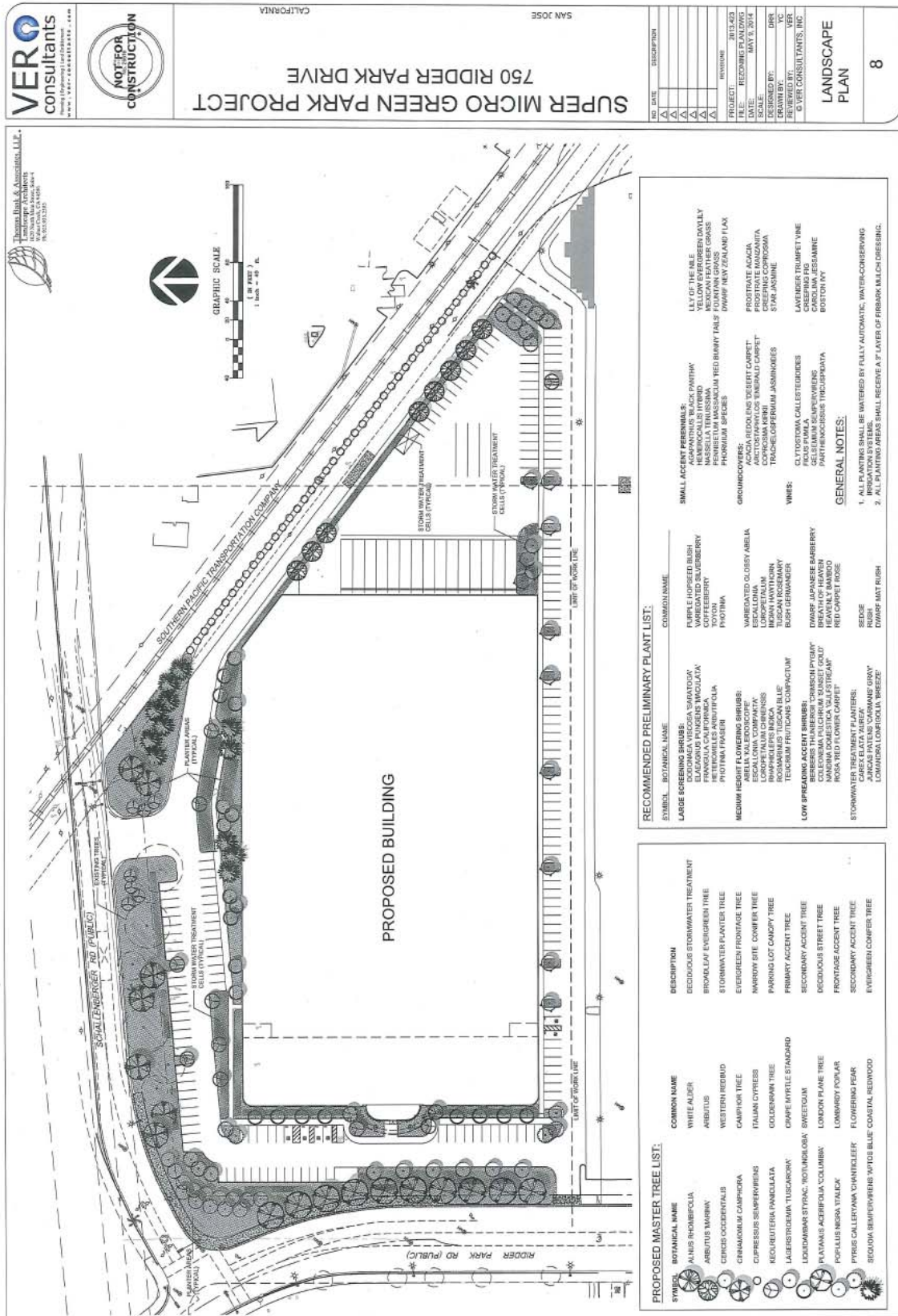
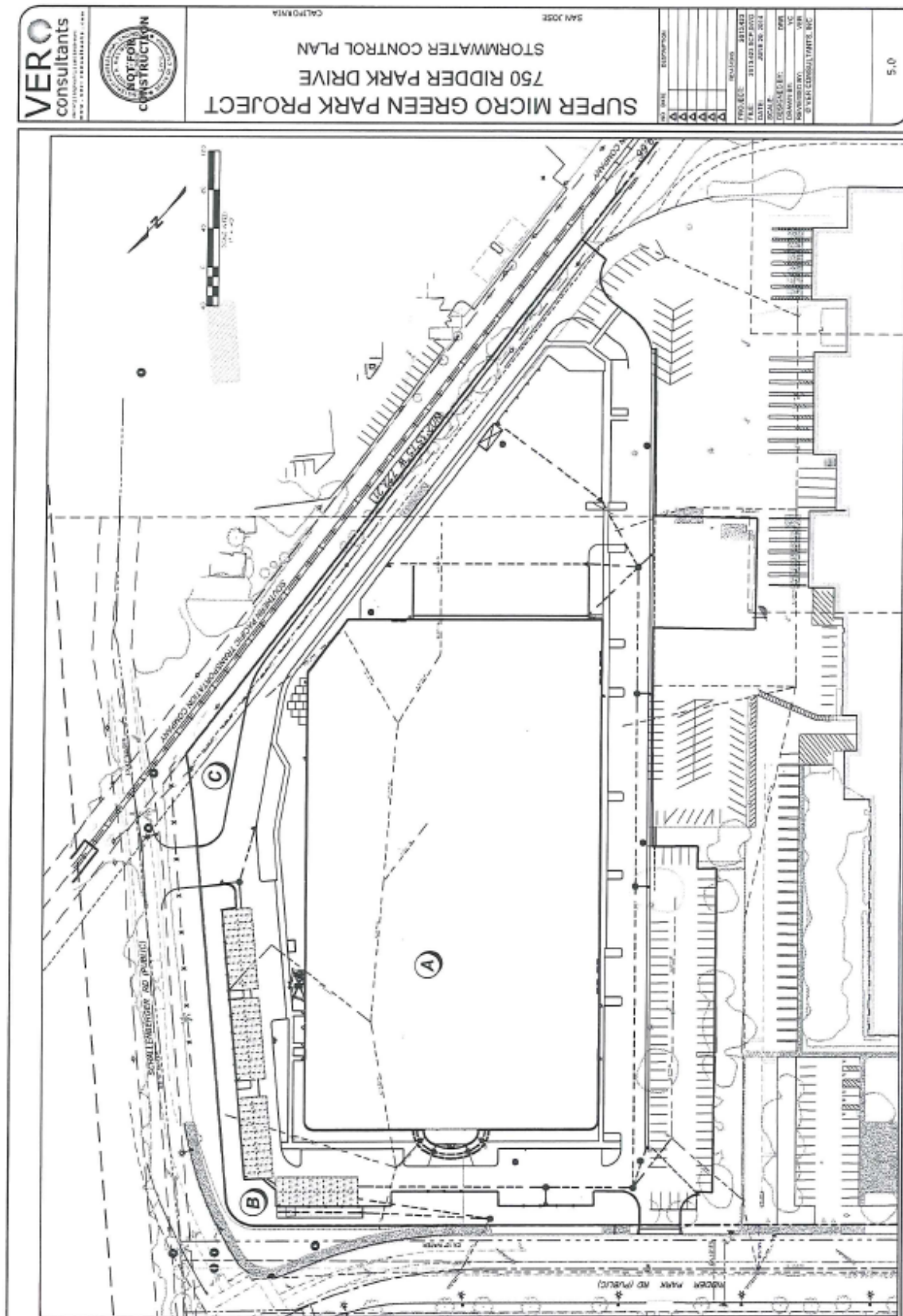


Figure 3.0-4 Stormwater Management Plan



SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the previously certified City of San José 2005 NSJ FPEIR (approved June 2005), which is both a program and project-specific document, and the Envision San José 2040 General Plan EIR (approved September 2011).

The amount of office/R&D development proposed was included and analyzed in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. This Addendum evaluates the project specific environmental impacts that were not addressed in the two previously certified FPEIRs. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

This section, **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the “Proposed Project” with those of the “Approved Project” (i.e., development approved in the 2005 NSJ FPEIR and in the 2011 Envision San José 2040 General Plan FPEIR) and to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Project Conditions.” Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Standard Construction Practices.”

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, denotes the first impact in the hazards and hazardous materials section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address. For example, **MM NOI – 2.3** refers to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

Table 4.0-1 Letter Codes of Environmental Issues	
Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials

HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Service
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

As explained below, the following issues have been adequately addressed in the Final Environmental Impact Report (SCH# 2004102067) certified by the City of San José in 2005 for the North San Jose Development Policies Update and the Final EIR certified for the Envision San Jose 2040 General Plan in 2011. The existing analysis contained in the Final EIR prepared for the North San Jose Development Policies Update continues to adequately address agriculture/forestry resources, energy, public services, population/housing, recreation, and minerals in that

- 1) the nature and scale of the proposed project has not changed,
- 2) there has not been a substantial change in the circumstances involving these issues on the subject site nor in the local environment surrounding the site.

Therefore, no additional analysis or discussion of these topics is required.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Project Site*

The 9.22-gross-acre project site is located in the northern part of San José. The site is on the east side of Ridder Park Drive, south of Schallenberger Road. The project site is currently developed with a landscaped park area, two buildings, surface parking, and landscape trees. The site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

The visual character of the site is that of a typical industrial park office/R&D building constructed in the 1960s. The property is mostly flat, contains surface parking and a large landscaped park, and similar to other development in North San José, the existing buildings on site are low in height (one or two-story). The San Jose Mercury New building is located to the east and it not in the project site. The perimeter of the project site is marked with landscape trees and street trees.

4.1.1.2 *Surrounding Area*

The site is bounded by Ridder Park Drive to the north and east, and Schallenberger Road and Union Pacific Railroad (UPRR) tracks to the west. The site is surrounded by warehouse retail to the north, Coyote Creek to the northeast across Schallenberger Road, residential and heavy industrial uses to the east, and Interstate 880 to the west beyond Ridder Park Drive. With the exception of the single residence east of the project site along Schallenberger Road, the project area is surrounded by heavy industrial uses.

Photographs of the project site and surrounding area are shown in Photos 1-3 below.

4.1.1.3 *Scenic Vistas*

The project site is not located within a scenic viewshed or along a scenic highway. Intermittent views of the Diablo Range foothills are available from the project site looking northeast, and of the Coast Range foothills looking southwest. The views of the foothills in either direction are interrupted by existing buildings. The project site is not located in a gateway or a rural scenic corridor as defined by the 2011 Envision San José 2040 General Plan FPEIR.

Photos 1, 2 & 3



View of project site looking southeast from Ridder Park Drive



View of project site looking south from corner of Ridder Park and Schallenger Drive



View of project site looking south from Schallenger Drive

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

4.1.2.1 *Project Design*

The project proposes to construct one two-story office industrial building providing a total of approximately 182,000 gross and 160,000 net usable square feet of office/warehouse/manufacturing space. The project also proposes a parking area of 140,000 square feet served by two access driveways off of Ridder Park Drive and Schallenberger Road. The project proposes to plant landscape trees and shrubs, and groundcover adjacent to buildings and throughout the site.

The visual conditions in the North San José area are described in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. It was concluded in the 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs that future development’s conformance with the City’s *Title 20 Zoning Ordinance*, *Commercial Design Guidelines*, *City’s Outdoor Lighting Policies* (4-2 and 4-3), and *Industrial Design Guidelines* would avoid significant visual and aesthetic impacts, including: 1) increased shade and shadow on public and private open space areas, 2) impacts to scenic vistas, 3) visual effects of light and glare.

The proposed new development is required to conform to the design criteria set forth in the North San José Area Development Policy, as well as the policies and actions set forth in the 2011 Envision San José 2040 General Plan FPEIR. The proposed office/industrial project would conform to the existing General Plan designation (Combined Industrial/Commercial) as well as the existing zoning designation (Heavy Industrial) for the site. All of these elements are consistent with NSJ Area Development Policies including design criteria and transportation demand management measures.

Scenic Vistas

The developed parcel is not a scenic resource. While the visual change to the property (two story building replacing a landscaped park area) will be noticeable to occupants of nearby businesses and to passing cars on Ridder Park Drive and Schallenberger Drive, the placement of an industrial/office building at an infill location near other industrial and commercial buildings would not be a significant adverse environmental impact. Redevelopment of the site has already been evaluated in the 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs. Development of the proposed project in conformance with existing policies, regulations, and adopted plans would not result in a substantial degradation of the visual character of the area, and would not significantly affect a scenic vista.

Shade and Shadow

Shade and shadow impacts occur when a structure reduces access to natural sunlight. In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. As discussed in the certified 2005 NSJ FPEIR, the City of San José typically identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces, measured midday on the first day of winter (December 21) and on the vernal and autumnal equinoxes (March/September 21).

The project would result in a new office/industrial structure on the project site. The height of the proposed building (two story and 43-feet) will not be taller than any buildings currently surrounding the site. Shading effects resulting from the proposed project design would not impact any public open spaces in the vicinity, the nearest being San Jose Municipal Golf Course over 1,000 feet to the east of the site on Oakland Road.

Light and Glare

The project would include lighting for security and site recognition. These sources would consist of outdoor lighting of parking areas, driveways, and walkways, and lighted commercial signage. The increase in night lighting from new development would not significantly increase the ambient light levels in the area, which are already dominated by existing light sources of night lighting. The proposed development would have no greater light and glare impacts than what was anticipated in the 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs.

The proposed project would not result in any new or more significant visual or aesthetic impacts than were described in the certified 2005 NSJ and the 2011 Envision San José 2040 General Plan FPEIRs. The project would conform to the City's *Outdoor Lighting Policy* (Policy 4-3), by fully shielding all lighting fixtures and using low pressure sodium (LPS) lighting, or by conforming with the requirements of the City's Interim LED Lighting Policy for outdoor, unroofed areas. For these reasons, the project would not result in significant light and glare impacts.

Development of the proposed project would alter the appearance of the project area by converting surface parking and a landscaped park into a two-story 43-foot tall industrial building. Implementation of the proposed actions and policies included in the 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR, and existing regulations and adopted plans, would avoid substantial degradation of the existing visual character or quality of the proposed project site and its surroundings area, substantial light and glare impacts, increased shade and shadow on public

open space areas, and impacts to natural scenic views from key gateways and roadways within the City. **(Less Than Significant Impact)**

4.1.3 *Conclusion*

The proposed project would not result in any new or more significant visual and aesthetic impacts than those previously identified in the NSJ and the 2011 Envision San José 2040 General Plan FPEIRs. **Same Impact as Approved Project (Less than Significant).**

4.3 AIR QUALITY

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determination of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sun light.

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are ozone, carbon monoxide, nitrogen dioxide (NO_x), sulfur dioxide, and particulate matter.

Three pollutants are known at times to exceed the state and federal standards in the project area: ozone, particulates (PM₁₀), and carbon monoxide. Both ozone and PM₁₀ are considered regional pollutants because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant because elevated concentrations are usually only found near the source (e.g., congested intersections).

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor exhaust. Cars and trucks release at least forty different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Public exposure to TACs can result from emissions from normal operations, as well as accidental releases.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, childcare centers, retirement homes, convalescent homes, hospitals and medical clinics. The nearest sensitive receptor is a private residence located on Schallenberger Drive, directly southeast and across the rail tracks from the project site.

4.3.1.1 *Background Information*

The ambient and regulatory requirements regarding air quality have basically remained unchanged since the approval of the 2011 Envision San José 2040 General Plan FPEIR.

4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

4.3.2.1 *Regional and Local Air Quality Impacts*

The development of the proposed project would contribute to the significant regional and local air quality impacts identified in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. The proposed industrial development is included within the overall amount of new job growth anticipated to occur in the NSJ and General Plan FPEIRs. While the proposed project would generate pollutants from vehicular trips, the proposed project would not result in any new or more significant regional or local air quality impacts than were described in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs.

The BAAQMD has developed thresholds of significance for local plans (general plans, redevelopment plans, specific area plans). The following criteria must be satisfied for a local plan to be determined to be consistent with the Clean Air Plan (CAP) and not have a significant air quality impact:

- The local plan should be consistent with the Clean Air Plan (2010 Clean Air Plan) and Vehicle Miles Traveled (VMT) assumptions. This is demonstrated if the population growth

over the planning period will not exceed the values in the current CAP, and the rate of increase in VMT for the jurisdiction is equal to or less than the rate of increase in population.

- The local plan demonstrates reasonable efforts to implement the Transportation Control Measures (TCMs) included in the CAP that identify cities as implementing agencies.

The proposed project would allow for increased development of office/industrial space in North San Jose, which is consistent with the land uses in the certified 2005 NSJ and 2011 Envision San Jose 2040 General Plan FPEIRs. For this reason, the proposed project would be consistent with the growth assumptions in the NSJ and Envision SJ 2040 General Plan FPEIRs, and would, therefore, be consistent with the CAP and VMT assumptions.

The 2005 NSJ and 2011 Envision San Jose 2040 General Plan FPEIRs provide for incorporation of Transportation Control Measures in future projects, which is consistent with the regional air quality plan. The proposed project, therefore, is consistent with the regional Clean Air Plan and would not have a significant impact on air quality.

The proposed project would be consistent with the North San Jose Area Development Policy in that it provides office job growth within the Phase I allotment for office/industrial space in North San Jose. The project will also implement transportation mitigation measures with the aim of reducing the number of daily vehicle trips by 15 percent. For these reasons, the proposed project would not result in new impacts to regional and local air quality.

Impact AIR-1: The 2005 NSJ FPEIR found that the land use changes associated with the North San Jose Development Policy Update would have a significant impact on long-term regional air quality. The proposed project would not result in any new or more significant regional or local air quality impacts than those addressed in the certified 2005 NSJ and 2011 Envision San Jose 2040 General Plan FPEIRs.

MM AIR-1.1: The following mitigation measure is identified as part of the certified 2005 NSJ FPEIR and is proposed by the project:

The project will implement the following on-site measures, with a goal of a 15 percent reduction in daily vehicle trips:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Provide on-site showers and lockers for employees bicycling or walking to work. Provide secure and conveniently located bicycle parking and storage for workers.
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- Design buildings so that they can provide on-site services for future employees.

The following Transportation Demand Management (TDM) measures will be implemented by the building owner and coordinated with future tenants occupying the project development:

- The building owner will provide an on-site TDM coordinator to develop and implement a transit use incentive program for building employees, including on-site distribution of Eco-passes (or equivalent broad spectrum transit pass) and/or subsidized transit passes for local transit systems (participation in the Clipper program would satisfy this requirement).
- Provide transit information kiosk.
- On-site TDM coordinator will implement a carpool program, providing carpool ridematching for employees.
- Provide designated preferential parking for carpool vehicles.
- Provide designated preferential parking for electric or alternatively-fueled vehicles.

4.3.2.2 *Construction-Related Impacts*

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of PM₁₀ downwind of construction activity.

Construction of the project would result in the generation of toxic air contaminants (TACs), including diesel PM, from trucks and off-road equipment exhaust emissions. Construction activity on the project site will vary over time and the emissions of TACs would also be temporary given the relatively short timeframe diesel equipment will be used. The nearest sensitive receptor is a private residence located on Schallenberger Drive, directly southeast and across the rail tracks from the project site.

The current models and methodologies available to conduct health risk assessments do not correlate to the temporary and variable nature of construction activities. Accurate estimates of health risk due to construction activity, therefore, are difficult to quantify. The BAAQMD acknowledges that the implementation of the best management practices identified in the discussion of construction dust emissions above would reduce diesel PM exhaust emissions. With implementation of construction best management practices, including restrictions on the idling of construction vehicles, construction TAC emissions from the project site would be limited.

The development of the proposed project would contribute to the significant construction-related, short-term air quality impacts identified in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. The proposed project, however, would not result in any new or more significant construction-related air quality impacts than were described in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs.

Standard Project Conditions:

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the standard project conditions listed below will reduce the temporary construction impacts to a less than significant level.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

4.3.3 Conclusion

The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant construction-related air quality impacts than those addressed in the certified 2005 NSJ 2011 Envision San José 2040 General Plan FPEIRs.

Impact AIR – 1: The 2005 NSJ FPEIR found that the land use changes associated with the North San Jose Development Policy Update would have a significant impact on long-term regional air quality. The proposed project would not result in any new or more significant regional or local air quality impacts than those

addressed in the certified 2005 NSJ and 2011 Envision San Jose 2040 General Plan FPEIRs.

The project will incorporate **Mitigation Measure AIR-1** and implement TDM and other on-site measures to reduce daily vehicle trips and reduce impacts to air quality to a less than significant level. **Same Impact as Approved Project (Less than Significant with Mitigation Incorporated).**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report prepared by *Deborah Ellis, Consulting Arborist & Horticulturalist*, in June 2014 for the project site, provided in Appendix A.

4.4.1 **Setting**

The project site was previously utilized for agricultural purposes, likely field crops, as evidenced by aerial photographs from the 1930s. Several residences and associated outbuildings (apparent barns and sheds) were located on-site. The existing main San Jose Mercury News building was constructed in 1965 along with the vehicle maintenance building to the northeast. The main building was is not included in the project site.

The project site is composed primarily of a landscaped park area, two buildings, surface parking areas, and non-native landscape trees. The entire site is developed and is not considered a sensitive biological community. The project area is also surrounded by commercial and industrial development, indicating that wildlife migratory corridors are unlikely to occur in the vicinity. The potential presence of sensitive species is considered low because of a lack of foraging habitat resulting from past and present disturbance as well as surrounding development.

There are no wetlands or riparian areas within the project site. Coyote Creek is approximately 150 feet northeast of the site, across Schallenger Drive. The project site is located within an area designated *Urban/Suburban* and *Golf Course/Urban Park* by the Santa Clara Valley Habitat Conservation Plan (HCP).

4.4.1.2 ***Special-Status Plants and Wildlife***

Special-status species include those plant and wildlife species that have been formerly listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Game (CDFG) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, and CDFG special-status invertebrates are all considered special-status species.

Most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act of 1918. Under this legislation, destroying active nests, eggs, and young is illegal.

Plant species on California Native Plant Society (CNPS) Lists 1 and 2 are also considered special-status plant species and must be considered under CEQA.

The project site is currently developed with office buildings and parking lots as well as small amounts of landscaping. Because the project site is developed with buildings and substantial areas of impervious surfaces, the site does not support the habitat that would be necessary for special-status species to breed or forage. Landscaped areas do not contain native plant species that might support special-status wildlife. Special status plants are also absent from the site due to its developed condition.

4.4.1.3 *City of San José Tree Ordinance*

The City of San José Tree Ordinance defines an ordinance-sized tree as any woody perennial plant characterized by having main stem or trunk which measures 56 inches or more in circumference (18 inch diameter) at a height of two feet above natural grade. A tree removal permit is required from the City for the removal of ordinance-sized trees.

There are currently 129 trees on the project site, 64 of which are considered ordinance-sized. Tree species occurring on the site include: Ash (1), Bay (1), Black Walnut (3), Canary Island Pine (10), Carob (9), Chinese Pistache (8), Coast Live Oak (1), Coast Redwood (17), Fan Palm (8), Glossy Privet (3), Laurel Cherry (2) London Plane (7), Olive (6), Pepper (6) Silk Oak (3) Sycamore (4), and Tree of Heaven (2). Of these trees, 38 are in good health, 29 are in fair health, 43 are in poor health, and 16 are dead. The majority of the ordinance-sized trees are large ash trees along Tasman Drive. There are no heritage trees, native species trees, or trees with any historical significance on the project site.

4.4.2 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,6
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,6
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

4.4.2.3 *Special-Status Plants and Wildlife*

Plants

No special-status plant species were observed within the project area and it is unlikely any special-status plant species have potential to occur within the project area. **(No Impact)**

Wildlife

While no special-status wildlife species have been observed or are expected to forage on the project site, it is possible that the landscape and street trees could provide a habitat for urban-adapted bird species. The project will remove on-site trees which could impact birds utilizing those trees as nesting habitat.

Impact BIO– 1: Development of the site includes the removal of trees that could result in disturbance to active migratory bird nests.

MM BIO– 1: The following measure is identified as part of the certified 2005 NSJ FPEIR (Section E, p.235 and 237) and the 2011 Envision San Jose General Plan 2040 EIR (Section 3.5.3.7 p.489, 490, and 494) and is proposed by the project:

Nesting birds protected by the Migratory Bird Treaty Act and other regulations may be impacted by construction during the bird breeding season from February through August. Ideally the clearing of vegetation and the initiation of construction would be done in the non-breeding season from September through January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. The survey area should encompass the project area and the areas within a 100 foot buffer. If active nests of behavior indicative of nests are encountered, those areas plus a 50-foot buffer for small songbirds and 250-foot buffer for larger birds (e.g. raptors) designated by the biologist in coordination with CA Department of Fish and Wildlife shall be avoided until the nests have been vacated. If the work areas are left unattended for more than one week following the initial surveys, additional surveys shall be completed.

4.4.2.4 *Local Policies and Ordinances*

Any potential development within the project area shall be consistent with policies outlined in the Envision San José General Plan 2040 and shall use best management practices to avoid impacts to special-status species and sensitive communities within and adjacent to the project area. Measures included in the North San José Development Policies Update Final EIR are encompassed by measures identified in the Envision San José General Plan 2040.

The proposed project is subject to following Envision San José General Plan 2040 policies:

- ER-5.1:** Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- ER-5.2:** Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- ER-6.5:** Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
- ER-6.6:** Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

City of San José Tree Ordinance

There are currently 64 ordinance-sized trees on the site and 65 non-ordinance sized trees.

In order to conform to the City of San José tree replacement ratios shown in Table 4.4-1, the project would be required to plant 215 trees. The project proposes 211 trees, which misses the City’s requirement by 4 trees.

Table 4.4-1: Tree Replacement Ratios

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree	Number of Proposed Replacement Trees
	Native	Non-Native	Orchard		
18 inches or greater	5:1	4:1	3:1	24-inch box	165
12 -18 inches	3:1	2:1	none	24-inch box	41
less than 12 inches	1:1	1:1	none	15-gallon container	9

Standard Project Conditions:

The project proposes to implement the following measures, as required by the City:

- The location of street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along the entire project street frontage per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Project.” Street trees shall be installed in cut-outs at the back of the curb. Obtain a DOT street tree planting permit for any proposed street tree planting.

4.4.3 Conclusion

Impact BIO – 1: Development of the site includes the removal of trees that could result in disturbance to active migratory bird nests.

The proposed project, with the implementation of **Mitigation Measure BIO-1** and the above standard project conditions, would not result in any new or more significant impacts to biological resources than those addressed in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. **Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)**

4.5 CULTURAL RESOURCES

The following discussion is based upon a Cultural Resources Review prepared by Basin Research Associates in September 2004 for the North San Jose Development Policies Update, the subsequent analysis contained in the 2005 NSJ FPEIR, and a Phase I Environmental Site Assessment prepared by *Cornerstone Earth Group* in November 2012 (Appendix C).

4.5.1 Setting

The project site is currently occupied by a large landscaped park and by two single-story buildings surrounded by asphalt concrete parking, landscaping, and street trees. Surrounding properties are also developed with recent construction from the past three decades.

Soils on site consist of stiff clays and silts with inter-bedded layers of sand and gravel. This type of soil is typical of the Santa Clara Valley and especially North San José, where both Guadalupe River and Coyote Creek discharge into the San Francisco Bay.

4.5.1.1 *Prehistoric Resources*

The project site is identified as archaeologically sensitive on the City of San José's maps. According to the Envision San Jose 2040 General Plan Final EIR, the land is considered to have a high paleontological sensitivity at varying depths.

4.5.2 Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,8
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant Impact, as described below.

The project proposes minimal grading to install utilities and provide level building pads with positive drainage. No below grade parking is proposed by the project. The project does not propose any development that would occur in cultural resource impacts beyond that was previously evaluated in the 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR.

4.5.2.1 *Prehistoric Resources*

While no traces of aboriginal presence or historic materials have been observed and located nearby on a cultural resources map, there remains a possibility that excavations at the building sites could result in the discovery of buried prehistoric archaeological deposits. Although it is unlikely that the proposed project will disturb archaeological resources, there still remains a low possibility. Therefore, the project will implement the following standard project conditions, as necessary. **(Less Than Significant Impact)**

Standard Project Conditions:

In the event any significant cultural materials are encountered, all construction within a radius of 50-feet radius of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify “most likely” descendants of the deceased.

If the Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

A final report will be prepared by the project archaeologist when a find is determined to be a significant archaeological resource, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, and testing, and other recovered information, and conclusions.

4.5.2.2 *Historic Resources*

Based on aerial photographs obtained from Environmental Data Resources, Inc. and historical topographic maps obtained from the United States Geological Survey (USGS), the project site was used for agricultural purposes consisting mainly of row crops. Several residences and associated outbuildings (apparent barns and sheds) were located on-site. The three-story main San Jose Mercury News building was constructed in 1965 along with a vehicle maintenance building to the northeast. The production of newspapers at the site ceased in 2013. The building currently is used for office and administrative functions and the former printing operations are in the process of being decommissioned.

The vehicle maintenance building on the project site is not over 50 years old, and does not qualify for the national or state registers of historic places. The demolition of the existing structures will have no impact on historic resources. None of the structures on properties surrounding the site are listed on the City's Historic Resources Inventory or the national or state registers of historic places. **(No Impact)**

4.5.3 Conclusion

The proposed project, with the implementation of the above Standard Project Conditions, would not result in any new or more significant impacts to cultural resources than those addressed in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FEIR. **Same Impact as Approved Project, (Less than Significant Impact).**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 *Geological Features*

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the northeast, and the San Francisco Bay to the north. The property is located at an average elevation of approximately 58 feet above mean sea level.

4.6.1.2 *On-Site Geologic Conditions*

Soils and Groundwater

The site is located in an area underlain by Holocene age (less than 11,000 years old) alluvial fan deposits. Fan deposits in the Santa Clara Valley generally consist of clays and silts with inter-bedded sandy zones. Holocene stream terrace deposits, which are generally more coarse-grained than fan deposits, are mapped towards the western side of the property.

Surficial soils encountered on the site are moderately to highly expansive. Expansive soils can undergo significant volume change with changes in moisture content. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures found on shallow foundations.

Based on the subject property's location adjoining west of Coyote Creek and south-southeast of San Francisco Bay, as well as documentation regarding the property on the State Water Resources Control Board Geotracker database, groundwater flow is towards the northwest and occurs between depths of approximately 15 and 25 feet.

Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone D, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

The three major and active fault lines in the region are the San Andreas Fault, Calaveras Fault, and Hayward Fault. The San Andreas Fault runs north/south and parallel to the Hayward Fault and the Calaveras Fault line. The San Andreas Fault is approximately 13 miles southwest of the site; the Calaveras Fault is approximately eight miles east of the site; and the Hayward Fault is approximately four miles east of the site.

The project site is not located within a fault rupture hazard zone, and therefore, fault rupture through the site is not anticipated.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface.

According to the Santa Clara County Geologic Hazards Map, the project site is located in an area considered vulnerable to earthquake-induced liquefaction. Due to the relatively young soils and the depth to ground water, the liquefaction hazard is high.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as an open body of water, channel or excavation. The nearest free face is Coyote River, which runs approximately 150 feet to the east of the site. Due to the proximity to Coyote Creek, the potential for lateral spreading to affect the site is high.

4.6.2 Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

GEOLOGY AND SOILS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant, as described below.

4.6.2.1 On-Site Soils

The soils on-site have a moderate to high expansive potential and, therefore, soils may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could potentially damage the future development on the site, which would represent a significant impact unless avoided by incorporating appropriate engineering into grading and foundation design. Design and construction of the project in conformance with a project-specific geotechnical investigation, using common design and construction practices, will ensure that potential hazards from expansive soils result in a less than significant impact.

The proposed project is not expected to be exposed to slope instability, erosion, or landslide-related hazards, due to the flat topography of the project site. The project does not propose the use of septic tanks or alternative wastewater disposal systems. The proposed project would not result in any new or more significant geologic or soil related impacts than were described in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR. **(Less than Significant Impact)**

The project will implement the following standard project conditions to ensure that site soils and geologic conditions result in less than significant geologic hazard impacts:

Standard Project Conditions:

A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation, and should provide detailed geotechnical recommendations for the design and construction of the project.

- A grading permit is required prior to the issuance of a Public Works Clearance.
- All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
- The project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, and therefore a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommendation depth of 50 feet should be explored and evaluated in the investigation.
- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

4.6.2.2 *Seismicity and Seismic Hazards*

The project site is located in a seismically active region, and therefore, strong ground shaking would be expected during the lifetime of the proposed project. Ground shaking could damage buildings and other proposed structures, and threaten the welfare of future building occupants.

The project site includes potentially liquefiable soil materials. Soils most susceptible to liquefaction are loose, saturated non-cohesive soils, such as sands and low plasticity silts.

The Geotechnical Investigation recommends the following ground improvements:

- Impact piers, stone columns, soil/cement mixing, compaction grouting, or other similar methods to mitigate the potential for building settlement and lateral displacement under seismic liquefaction conditions. These ground improvement structures are to be installed into the subgrade beneath the proposed building to a depth of approximately 20 feet.
- A shear key consisting of 3 to 4 rows of tightly spaced ground improvement structures extending to depths of 30 to 40 feet, be constructed between the Coyote Creek bank and the proposed building and other improvements, to mitigate liquefaction induced lateral spreading.

Impact GEO-1: The project site includes potentially liquefiable soil materials and could potentially result in significant geologic impacts from liquefaction induced lateral spreading.

MM GEO-1: A design-level ground improvement plan and specifications must be submitted for review and approval. The plan should show the locations of all ground improvement structures and include details and specifications for installation. The ground improvement plan and specifications will be an attachment to the approved grading plan set. The plans and specifications must be wet signed and stamped by a Registered Geotechnical Civil Engineer. In addition, a plan review letter, wet signed and stamped by the Geotechnical Engineer of Record (CEG), approving the ground improvement plan and specifications, must be submitted to the Senior Project Engineer of Public Works prior to the issuance of grading permit.

The following standard condition is identified as part of the certified 2005 NSJ FPEIR to be required of future residential development in North San José and is proposed by the project:

Standard Project Condition:

The project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

The implementation of the MM GEO-1 and the above standard project conditions will ensure that potential hazards from liquefiable soils result in a less than significant impact.

4.6.3 Conclusion

Impact GEO-1: The project site includes potentially liquefiable soil materials and could potentially result in significant geologic impacts from liquefaction induced lateral spreading.

The proposed project, with the implementation of **MM GEO-1** and standard project conditions, would not result in any new or more significant geologic impacts from expansive soils on-site than

those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **Same Impact As Approved Project (Less than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion evaluates greenhouse gas (GHG) emissions resulting from implementation of the Envision San José 2040 General Plan, which accounts for emissions generated by the proposed project on the subject site.

4.7.1 Existing Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) that contribute to global warming or global climate change have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

Among the potential implications of global warming are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutants, much of the GHG production comes from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and subregional level, and other measures to reduce automobile use. Energy conservation measures also can contribute to reductions in GHG emissions.

4.7.1.2 *Regulatory Setting*

Federal

In recognition of the adverse effects of degraded air quality, Congress and the California Legislature enacted the Federal and California Clean Air Acts, respectively. The requirements of these acts are administered by the U.S. Environmental Protection Agency (EPA) at the federal level, the California Air Resources Board (CARB) at the state level, and the Bay Area Air Quality Management District (BAAQMD) at the regional level.

The EPA and CARB have established ambient air quality standards for what are commonly referred to as “criteria pollutants,” because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen oxide, sulfur dioxide, and particulate matter. There are as yet no adopted federal standards for GHG emissions.

State of California

Assembly Bill 32 (2006), California Global Warming Solutions Act

In September 2006, the governor of California signed AB 32 (Chapter 488, Statutes of 2006), the California Global Warming Solutions Act of 2006. AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020. This equates to an approximate 15 percent reduction compared to existing statewide GHG emission levels or a 30 percent reduction from projected 2020 “business as

usual” emission levels. The required reduction will be accomplished through an enforceable statewide cap on GHG emissions beginning in 2012 (now in effect).

To effectively implement the statewide cap on GHG emissions, AB 32 directs ARB to develop and implement regulations that reduce statewide GHG emissions generated by stationary sources. Specific actions required of ARB under AB 32 include adoption of a quantified cap on GHG emissions that represent 1990 emissions levels along with disclosing how the cap was quantified, institution of a schedule to meet the emissions cap, and development of tracking, reporting, and enforcement mechanisms to ensure that the state achieves the reductions in GHG emissions needed to meet the cap.

AB 32 Climate Change Scoping Plan

In December 2008, ARB adopted its *Climate Change Scoping Plan*, which contains the main strategies California will implement to achieve reduction of approximately 169 million metric tons (MMT) of CO₂e, or approximately 30 percent from the state’s projected 2020 emission level of 596 MMT of CO₂e under a business-as-usual scenario. The *Scoping Plan* also includes ARB-recommended GHG reductions for each emissions sector of the state’s GHG inventory. The *Scoping Plan* calls for the largest reductions in GHG emissions to be achieved by implementing the following measures and standards:

- Improved emissions standards for light-duty vehicles (estimated reductions of 31.7 MMT CO₂e);
- The Low-Carbon Fuel Standard (15.0 MMT CO₂e);
- Energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems (26.3 MMT CO₂e); and
- A renewable portfolio standard for electricity production (21.3 MMT CO₂e).

ARB acknowledges that decisions on how land is used will have large impacts on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. With regard to land use planning, the *Scoping Plan* expects approximately 5.0 MMT CO₂e will be achieved associated with implementation of SB 375, which is discussed further below.

Senate Bill 375

SB 375, signed in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. As part of the alignment, SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) which prescribes land use allocation in that MPO’s Regional Transportation Plan (RTP). The ARB, in consultation with MPOs, is required to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. The ARB is also charged with reviewing each MPO’s SCS or APS for consistency with its assigned GHG emission reduction targets. If MPOs do not meet the GHG reduction targets, transportation projects located in the MPO boundaries would not be eligible for funding programmed after January 1, 2012.

The project area is part of the Association of Bay Area Governments (ABAG), a council of local governments and the regional planning agency for the Bay Area. It is also the MPO charged with implementing measures to meet the Bay Area's GHG reduction targets set by SB 375. ABAG, alongside the Metropolitan Transportation Commission (MTC), adopted a Sustainable Communities Strategy, known as Plan Bay Area, in July 2013. Plan Bay Area is the region's 25-year blueprint for transportation, housing, and land use policies and investments.

California Environmental Quality Act (CEQA)

Under modifications of the CEQA Guidelines (March 2010), public agencies must consider the effects of greenhouse gas emissions and identify mitigation for greenhouse gas emissions or the effects of greenhouse gas emission, including but not limited to the effects associated with transportation or energy consumption. Since the adoption of the North San José FPEIR dates to March 2005, GHG effects were not addressed. Therefore, this Addendum will rely solely upon the Envision San José 2040 General Plan FPEIR adopted in September 2011 which comprehensively addressed GHG emissions from future planned City growth.

Regional

Bay Area Air Quality Management District (BAAQMD)

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties. Several key activities of BAAQMD related to greenhouse gas emissions are described below.

Regional Clean Air Plans: BAAQMD and other agencies prepare clean air plans as required under the State and Federal Clean Air Acts. The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and decrease ambient concentrations of harmful pollutants. The most recent CAP also includes measure designed to reduce GHG emissions.

BAAQMD CEQA Air Quality Guidelines: The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing air quality impacts, thresholds of significance, mitigation measures, and background air quality information. In June 2010, the Air District's Board of Directors adopted their CEQA thresholds of significance and an update of their CEQA Guidelines. The updated CEQA Guidelines review and describe assessment methodologies, and mitigation strategies for criteria pollutants, air toxics, odors, and greenhouse gas emissions.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data.

The City of San José, among numerous other jurisdictions in the San Francisco Bay Area Air Basin, has recently used the thresholds and methodology for assessing GHG emissions put forth by BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

City of San José

Greenhouse Gas Reduction Strategy

The City of San José prepared the Greenhouse Gas Reduction Strategy in conjunction with the preparation of the Envision San José 2040 General Plan Update process to ensure that the implementation of the General Plan Update aligns with the implementation requirements of Assembly Bill 32 (AB32) – the Global Warming Solutions Act of 2006. Other policies, such as Green Building Policies, have also been developed to ensure that new development and redevelopment incorporates design and operational characteristics in conformance with the strategy.

Implementation of the Greenhouse Gas Reduction Strategy will be an ongoing adaptive management process, whereby opportunities to reduce GHG emission will be evaluated and selected based on a variety of factors, including available technology, relative cost, and policy references, among others.

4.7.2 Environmental Checklist and Discussion of Impacts

GREENHOUSE GAS EMISSIONS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3

The currently proposed project will result in a new Less than Significant Impact, as described below.

4.7.2.1 Impacts From the Project

Greenhouse Gas Reduction Strategy

As described previously in the *Regulatory Setting*, the City of San José adopted the Envision San José 2040 General Plan FPEIR in 2011 (Section 3.15.4.2, p. 817, 818, 821-824), which included the Greenhouse Gas Reduction Strategy. The GHG Reduction Strategy in the Envision San José 2040 General Plan FPEIR identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures would be considered mandatory for all proposed development projects, while others would be considered voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would then be considered to have a less than significant impact related to GHG emissions.

Below is a listing of the mandatory and voluntary criteria provided by the City of San José.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
 - Solar Site Orientation
 - Site Design
 - Architectural Design
 - Construction Techniques
 - Consistency with City Green Building Ordinance and Policies
 - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4)
3. Pedestrian/Bicycle Site Design Measures
 - Consistency with Zoning Ordinance
 - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7)
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with mandatory criteria 1, 2, and 3. Specifically, the project is consistent with the site's existing land use designation for the Land Use/Transportation Diagram. Many green building measures are being implemented into the design and construction project. Phase I intends to pursue LEED Gold certification under the LEED for New Construction (LEED-NC 2009) rating system.

As discussed in *Section 4.15 Transportation*, a minimum of nine bike parking spaces would be provided. The proposed 9 spaces meet the requirement for ratio of bike spaces to building size

(1/4,000 sq.ft. of office area, and 1/5,000 sq.ft. of industrial area). Pedestrian access and connectivity would also be provided for the proposed industrial building, as well as the proposed parking areas. The proposed project would meet mandatory criterion 3.

As discussed in *Section 4.3 Air Quality*, the project will prepare a TDM program; therefore, the proposed project is also consistent with mandatory criterion 6. Criteria 4, 5, and 7 are not applicable to the proposed project, because there are no historic structures on the site, the project is not an energy-intensive use and the site does not propose drive-through uses.

Voluntary Criteria

Table 4.7-1 below provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Conformance/ Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project does not propose installation of photovoltaic panels on the site at this time.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The project does not propose to use recycled water throughout the site for irrigation.	<input checked="" type="checkbox"/> Required/ Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
TRANSPORTATION AND LAND USE		
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	No car share program spaces are currently proposed in this Phase; however, Leadership in Energy and Environmental Design (LEED) credit SS 4.4 (Alternative transportation – parking capacity) is currently being reviewed for potential implementation into the overall site parking scheme. Project anticipates that 2% of parking spaces shall be labeled for use by carpools or vanpools.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Limit parking above code requirements TR-8.4	Parking is provided at a ratio of 159 spaces for 160,000 net sq.ft., above requirements in the Municipal Code.	<input type="checkbox"/> Project is Parked at or below Code Requirements <input checked="" type="checkbox"/> Project is Parked above Code Requirements or <input type="checkbox"/> Not Applicable

Table 4.7-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Conformance/ Applicability
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	A TDM plan will be prepared as part of the larger site development and parking is provided at a ratio of 159 spaces for 160,000 net sq.ft., above requirements in the Municipal Code.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose or <input type="checkbox"/> Not Applicable

4.7.3 Conclusion

The proposed project is consistent with all of the mandatory criteria that are applicable to the project, and proposes several of the voluntary criteria included in the Greenhouse Gas Reduction Strategy in the 2011 Envision San José 2040 General Plan FPEIR. **(New Less Than Significant Impact).**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I Environmental Site Assessment Report prepared by *Cornerstone EarthGroup*, June 2014 and a Phase II Soil and Groundwater Evaluation by *Versar*, August 2013. The Phase I Report is provided in Appendix C, the Phase II Report in Appendix E.

4.8.1 Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals, (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs set remediation requirements at sites where contamination has occurred.

4.8.1.1 *Site History*

Based on the information obtained during the June 2014 Phase 1 ESA, the Site was historically used for agricultural purposes consisting mainly of row crops; a small orchard was present on the southeastern portion of the Site. Several residences and associated outbuildings (apparent barns and sheds) were located on-Site. The largest barns were located on the northwestern portion of the Site, along with several livestock paddocks.

The existing main San Jose Mercury News building was constructed in 1965 along with a vehicle maintenance building to the northeast. The main building was expanded to the south in approximately 1979. An addition at the southeast corner of the building was constructed in approximately 1984. The three-story main building was utilized by San Jose Mercury News for daily newspaper production. The production of newspapers at the Site ceased in 2013. The building currently is used for office and administrative functions and the former printing operations are in the process of being decommissioned.

4.8.1.2 *On-Site Sources of Contamination*

Records indicate that the Site was used for agricultural purposes for several decades. Several residences and associated outbuildings also were present on-Site prior to construction of the San Jose Mercury News facility, including several barns and livestock paddocks on the northwestern portion of the Site. Pesticides may have been applied to crops in the normal course of farming operations and may also have been used at livestock management areas. Additionally, soil adjacent to structures that are painted with lead-containing paint can become impacted with lead as a result of the weathering and/or peeling of painted surfaces. Soil near wood framed structures also can be impacted by pesticides historically used to control termites.

Historically, a large variety of chemicals were used and stored at the Site, including, among others, photo processing chemicals (used for platemaking/ photoengraving and film processing), petroleum

based inks (containing metal pigments and carbon black), blanket wash, various acids, unspecified “solvents,” kerosene, sodium hydroxide and lubricating oils. The inks were stored in ASTs ranging in size from a few hundred gallons to 12,000 gallons, as well as in numerous drums and 5-gallon containers. In 1988, 43 55-gallon drums and 98 5-gallon containers were listed on a chemical inventory. Although not listed on available inventories dated post-1980, two 55-gallon drums of TCE were listed on an inventory from 1977.

Two railroad track spurs historically extended onto the Site. The former railroad tracks and wooden ties appear to have been removed. Assorted chemicals historically were commonly used for dust suppression and weed control along rail lines.

The Site is a closed LUST case for which the SCVWD provided oversight between 1990 and 2000. The LUST case resulted from former leaking USTs at the vehicle maintenance facility. Previous activities at this facility included oil changing, brake repair and general vehicle maintenance for company vehicles. The SCVWD concluded that a significant threat to ground water does not exist at the Site due to the decreasing trend of petroleum hydrocarbon concentrations in ground water samples from the on-Site wells and the stability of the hydrocarbon plume. The SCVWD stated that over excavation was performed in the vicinity of the USTs removed in May 1990, likely removing much of the hydrocarbon sources, and that the levels of residual soil contamination do not appear to pose a significant threat to water resources, public health and safety, and the environment. However, residual soil and ground water contamination associated with the former USTs was left in place and the following Site management requirements were stipulated by the SCVWD:

Standard Project Condition:

The responsible party and/or property owner shall notify the Santa Clara Valley Water District Leaking Underground Storage Tank Oversight Program and the City of San Jose Planning Department if Site development activities will result in drilling, excavation, or other subsurface construction activities in the vicinity of the former USTs. The responsible party and/or property owner shall prepare an appropriate health and safety plan and/or risk assessment for any subsurface work that may allow for a pathway of exposure to receptors. The City of San Jose Fire Department shall be notified if any additional sumps, tanks, or piping are removed during construction.

In September and October 2013, soil sampling was performed near the existing UST fueling system. The soil and ground water analytical results obtained from these investigations indicated that the probability of a significant release from the three existing USTs appears low.

The Site is a closed Envirostor case. Six areas of concern appear to have been evaluated under DTSC oversight in 2000. The case status is listed as “No Further Action” and the Envirostor database listing does not indicate that the Site is subject to required controls or restrictions resulting from the areas evaluated.

4.8.1.3 *Off-Site Sources of Contamination*

No off-site spill incidents were reported that appear likely to significantly impact soil or ground water beneath the site. The general site vicinity appears to have historically consisted of agricultural properties with widely spaced residences. An increase in mainly commercial development in the

area is apparent by the early 1990s. Further increases in commercial development are apparent by the late 1990s and 2000s. No specific off-site source of contamination is identified.

4.8.2 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,8,12
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8,12
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,8
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

HAZARDS AND HAZARDOUS MATERIALS						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

The site is not on a City designated evacuation route. The site, within a developed area of San José, is also not located within an area subject to wildfires.

4.8.2.1 *On-Site Sources of Contamination*

On-site Soils

Residual pesticide and lead concentrations may remain in on-Site soil. Because the Site will be capped by the planned structures and associated pavements and landscaping, risk to human health from these potential contaminants will be significantly reduced. However, if elevated concentrations are present, mitigation or soil management measures may be required during construction/earthwork activities. Construction worker exposure can typically be effectively managed by exercising appropriate dust control measures used during construction activities. Based on the intended future use of the Site (commercial development), the presence of residual agricultural chemical and lead concentrations is not likely to present a cause for concern with respect to future Site users. However, if excess soil will be generated during construction activities, sampling of this soil will be required to evaluate appropriate disposal facilities.

The 2005 NSJ FPEIR identified mitigation measures meant to reduce all hazardous materials impacts associated with a proposed project in the NSJ program area. For sites where contamination has been found as part of assessments of specific development site, a Health and Safety Plan prepared in accordance with the California Code of Regulations (Title 8, Section 5192) are required on some construction sites. A Health and Safety Plan is a project-specific plan that describes safety of construction workers and the public during the remediation and/or construction periods. A Site Management Plan, Remediation Plan or Clearance Letter approved by the Department of Toxic Substances Control or the Regional Water Quality Control Board will be required for contaminated sites as well.

Impact HAZ-1: Development of parcels within the project area could expose construction workers and/or the public to hazardous materials during site preparation and/or construction as a result of one or more of the following: 1) hazardous materials that have been accidentally released in the past that contaminated

soil or groundwater; 2) the presence of asbestos or lead-based paint in buildings that are demolished; and/or 3) removal of underground storage tanks during redevelopment.

MM HAZ-1.1:

A Site Management Plan (SMP) and Health and Safety Plan (HSP) will be prepared for the proposed demolition and development activities. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and ground water that may be encountered during construction activities. Based on the history of the Site, areas of impacted soil, soil vapor and ground water may be encountered during construction activities, which may require special monitoring, handling and/or disposal.

Building Materials

In August 2013, Versar conducted a pre-demolition hazardous materials survey of the existing San Jose Mercury News structures at the Site. The survey report (attached in Appendix E) indicates that asbestos and lead were identified in several building materials. Other building materials, such as light tubes that contain mercury, also were identified. Building materials that contain asbestos or other hazardous substances will need to be properly managed during the planned demolition activities.

4.8.2.2 *Possible Off-Site Sources of Impact*

Based on the Phase I Environmental Site Assessment prepared, no off-site contamination currently affects the project site. No sites within the project vicinity would significantly impact the project site. **(No New Impact)**

4.8.3 Conclusion

Impact HAZ-1: Development of parcels within the project area could expose construction workers and/or the public to hazardous materials during site preparation and/or construction as a result of one or more of the following: 1) hazardous materials that have been accidentally released in the past that contaminated soil or groundwater; 2) the presence of asbestos or lead-based paint in buildings that are demolished; and/or 3) removal of underground storage tanks during redevelopment.

The proposed project, with the implementation of **Mitigation Measure HAZ-1** and the above standard project conditions, would not result in any new or more significant hazardous material impacts than were previously identified in the 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **Same Impact as Approved Project (Less than Significant with Mitigation Incorporated).**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

The existing drainage and regulatory requirements regarding hydrology and water quality are generally unchanged from the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. The primary changes are the update of the North San José Floodplain Management Study reflecting the completion of flood control projects for Coyote Creek and Lower Guadalupe River, and the City's update of its *Post-Construction Urban Runoff Management* (Policy 6-29).

4.9.1.1 *Flooding*

The project site is not within a Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.

4.9.1.2 *Drainage*

The site is served by City of San Jose owned and maintained storm drain system. The Charcot system serves approximately 430 acres in addition to this site, and drains to Coyote Creek, south of Charcot Avenue. Coyote Creek is a Clean Water Act section 303d listed water body that is impaired for Diazinon and Trash.

The Charcot system does not include a pump station, but does include a flap gate to prevent high flow in Coyote Creek from backing up into the storm drain system. The storm drain master plan has proposed a pump station and additional storm drain improvements for the Charcot system.

4.9.1.3 *Regulatory Requirements*

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This Policy also establishes specific design standards for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Best Management Practices (BMPs) are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples of Post-Construction BMPs include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling.

Post-Construction Treatment Control Measures are site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; is installed as part of a new development or redevelopment project; and is maintained in place after

construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

4.9.2 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

HYDROLOGY AND WATER QUALITY						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10,11
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,7

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant with Mitigation Incorporated, as described below.

4.9.2.1 *Flooding*

The project site is not within a Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.

4.9.2.2 *Drainage*

The site is served by the City of San Jose’s Charcot storm drain system. Due to the size of the available existing mains it is anticipated that capacity will be available for the proposed project development. The project is subject to the City’s Post-Construction Urban Runoff Management (Policy 6-29) which requires that new projects replacing or adding 10,000 square feet or more of impervious surfaces to a site not increase the total amount of runoff entering the storm drainage system. To accommodate the City’s requirement, the proposed project has been designed to demonstrate compliance with the requirements for the Municipal Regional Stormwater NPDES Permit (MRP) issued by the California Regional Water Quality Control Board, commonly referred to as Provision C.3 and governed in San Jose by City Policies 6-29 and 8-14.

To address the municipal permit requirements, the project proposes to install a combination of source control measures, see Section 4.9.2.3 *Water Quality* that follows.

4.9.2.3 *Water Quality*

Construction-Related Impacts

Construction of the proposed project, as well as grading, and excavation activities, may result in temporary impacts to surface water quality. Construction of the proposed project would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are discharged into the storm drain system and ultimately the San Francisco Bay.

The development of the proposed project would contribute to the significant construction-related water quality impacts identified in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan. The proposed project would not, however, result in any new or more significant construction-related water quality impacts than were described in the certified 2005 NSJ FPEIR and 2011 Envision San José 2040 General Plan.

The project proposes to implement the following measures identified as part of the certified 2005 NSJ FPEIR:

Standard Project Conditions:

Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:

- Preclude non-stormwater discharges to the stormwater system.
- Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
- Cover soil, equipment, and supplies that could contribute pollution prior to rainfall events or monitor runoff.
- Perform monitoring of discharges to the stormwater system.

Comply with the City’s Grading Ordinance.

With implementation of the above standard project conditions, the proposed project would result in construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Impacts

Stormwater runoff from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Similar to existing conditions, runoff from the proposed project may contain oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas. The proposed project would develop 340,207 sq.ft. (85 percent) of the site with impervious surfaces, a reduction of approximately 10,455 sq.ft. The

remaining 15 percent of the site (61,402) would be pervious surfaces, comprised of landscaping and pervious paving. The existing and proposed areas of pervious and impervious surfaces are shown in Table 4.9-1.

While the project would increase traffic and human activity on and around the project site, generating pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system, the project reduces overall impervious surface area, provides covered parking in a multi-story garage, and incorporates treatment control measures to treat water contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site. The project will add/replace more than 10,000 square feet of impervious surfaces, so it must conform to Council Policy 6-29, and proposes the following runoff controls:

- Pervious paving with under drains
- Bio-swales in open landscape areas
- Flowing to self-retaining areas
- Flow through planters (where applicable)
- Infiltration Trenches (where applicable)
- Tree preservation and planting

Table 4.9-1

Pervious and Impervious Surface Comparison						
	Existing Condition (sq ft)	%	Proposed Condition (sq ft)	%	Difference (sq ft)	%
Site (acres): 9.22	Site (sq ft): 401,609					
Building Footprint(s)	20,324	5.1%	160,000	40%	139,676	687%
Parking	170,606	42.5%	143,723	36%	-26,883	-16%
Driveway	26,330	6.6%	25,491	6%	-839	-3%
Sidewalks, Patios, Paths, etc.	13,246	3.3%	14,653	4%	1,407	11%
Landscaping, pervious paving	171,103	42.6%	57,742	14%	-113,361	-66%
Total						
Impervious Surfaces	230,506	57.4%	343,867	86%	113,361	49%
Pervious Surfaces	171,103	42.6%	57,742	14%	-113,361	-66%
Total	401,609					

The development of the proposed project would contribute to the significant post-construction related water quality impacts identified in the certified 2005 NSJ FPEIR (Section H, p.268-269) and 2011 Envision San José 2040 General Plan FPEIR (Section 3.7.3.3, p. 565-571). The proposed project would not result in any new or more significant post-construction related water quality impacts than

were described in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR. The proposed project has Best Management Practices (BMPs) in place to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.

Standard Project Conditions:

The project proposes to implement the following measures:

- The proposed project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.
- The project's Stormwater Control Plan and numeric sizing calculations will be in conformance with City Policy 6-29.
- Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- When the construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of San José. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).

4.9.2.4 *Impacts to the Project Site*

There are no landlocked bodies of water near the project site that will affect the site in the event of an earthquake. In addition, there are no bodies of water near the project site that will affect the site in the event of a tsunami. The project area is flat and there are no mountains in proximity that will affect the site in the event of a mudflow.

Based on the ABAG Dam Failure Inundation Hazards Maps, the project site is located within the Anderson Dam failure inundation area. Inundation areas, as identified in the General Plan, assume complete failure of the dam with a full reservoir that is completely emptied. Existing regulations and adopted plans and policies reduce the risks to people and property in San José from dam failure. The California Department of Water Resources, Division of Safety of Dams (DSOD) is responsible for regular inspection of dams in California, the Santa Clara Water District (SCVWD) routinely monitors and studies the condition of each of its 10 dams in the South Bay.

The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of dam failure would be less than significant. Therefore, the proposed project would have a less than significant dam induced flooding impact.

4.9.3 Conclusion

The proposed project would not result in any new or more significant flooding impacts than those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. With the implementation of the above standard project conditions, the proposed project would not result in any new or more significant construction-related impacts or post-construction water quality impacts than those addressed in the certified 2005 NSJ FPEIR or 2011 Envision San José 2040 General Plan FPEIR. **Same Impact as Approved Project (Less than Significant Impact).**

4.10 LAND USE

4.10.1 Setting

4.10.1.1 *Existing Land Use*

The 9.22-gross-acre project site consists of two parcels (APN 237-05-036, 237-05-039) and is located on the southwest corner of Ridder Park Drive and Schallenberger Road. The project site is developed with a vehicle maintenance building that provides 20,324 square feet, surface parking lot, a landscaped park and trees.

4.10.1.2 *Surrounding Land Uses*

The site is currently developed with a landscaped park, a vehicle maintenance building and associated fueling canopy and a large parking lot. The site is surrounded by warehouse retail to the north, Coyote Creek and undeveloped land to the northeast across Schallenberger Road, heavy industrial uses to the south and east across the Union Pacific Railroad (UPRR) tracks, and an industrial building to the west. There is a single private residence located southeast of the project site.

4.10.1.3 *Land Use Plans*

General Plan Land Use and Zoning Designation

General Plan Land Use Designation

After the certification of the 2011 Envision San José 2040 General Plan FPEIR, the 2005 North San José Development Policies Update land use designations in north San José were modified in selected areas. The land use designation on the project site (*Industrial Park*) was changed to *Combined Industrial Commercial* when the 2011 Envision San José 2040 General Plan FPEIR was certified and the General Plan adopted.

The *Combined Industrial Commercial* land use designation is intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses.

Zoning Designation

The project site has a zoning designation of *CIC—Combined Industrial/Commercial*. The *CIC – Combined Industrial/Commercial* zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. The district allow for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses.

North San José Area Development Policy

The North San José Area Development Policy (hereinafter referred to as the Policy) provides for the development of up to 32,000 new residential dwelling units allowing for approximately 56,640 new residents within North San José, and up to 26.7 million square feet of new industrial/office/R&D building space beyond existing entitlements, allowing for 83,000 new employees. Table 4.10-1 provides a summary of the project's consistency with provisions of the Policy, as listed below.

Table 4.10-1			
Consistency with North San José Area Development Policy Checklist			
Provisions of the Policy	Consistent?		
	Yes	No	N/A
Land Use			
Residential development must occur on land within the Transit/Employment Residential Overlay, on land already designated for residential use in the General Plan, or within the Industrial Core area in a mixed use configuration.			X
Residential development within the Overlay must be at least 55 DU/AC.			X
Site must not contain an existing important vital or “driving” industrial use.			X
Site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.			X
The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g. an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.			X
Site should be within 1,000 feet of existing park or would help establish or contribute to a new park of adequate size within 1,000 feet.			X
Site design must support transit use and pedestrian safety.	X		
Master planning for sites for parks, schools, and other public facilities must be completed within each of the seven new residential areas prior to any proposed conversion within that area.			X
Project does not result in the conversion of industrial land not anticipated by the Policy.	X		
Traffic			
Project includes design features that encourage bicycle and pedestrian movements.	X		
Project incorporates TDM measures (see Policy list for industrial projects).	X		
Project includes dedication of public street right-of-way determined necessary through or adjacent to the project site.			X
Infrastructure Improvements			
Project includes extension, expansion, or improvement of utilities or other infrastructure needed to serve the project and its immediate area, including extension of recycled water line where possible.	X		
Project includes dual plumbing to allow use of recycled water for landscaping.			X
Allocation of Capacity			
Sufficient capacity remains within the relevant Phase to allow development of the proposed square footage.	X		
Design Criteria			
Project is consistent with relevant policies in the Residential Design Guidelines.			X
Project is consistent with Multi-modal Transportation Design Criteria in the	X		

Table 4.10-1			
Consistency with North San José Area Development Policy Checklist			
Provisions of the Policy	Consistent?		
	Yes	No	N/A
ADP.			
Project incorporates Green Building techniques, resource conservation programs, and minimizes water use.	X		

Santa Clara Valley Habitat Conservation Plan

While the project site is located within the HCP, it is located in an area recognized for urban development and is not within any identified protected species area, as discussed in Section 3.4, Biological Resources. The project would pay nitrogen deposition fees for the increase in vehicle emissions from generated traffic trips and therefore would not conflict with the HCP.

4.10.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,12
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,12
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant, as described below.

4.10.2.1 *Conformance with Land Use Plans*

Envision San José 2040 General Plan

The project proposes to demolish the existing vehicle maintenance building and replace them with one new industrial building, and surface parking. This is consistent with the *Combined Industrial/Commercial* designation in the Envision San José 2040 General Plan.

North San José Area Development Policy

Land Use

The North San Jose Area Development Policy states that allocation of industrial square footage outside of the Core Area should be used to support further intensification along the light rail corridors, to create flexibility for minor expansions on any property within the Policy area and to allow for intensification of specific sites that meet certain criteria. There are two light rail stations within one mile of the project site, so increasing the FAR and number of employees on the site is consistent with the Land Use component of the policy.

Traffic

The project will pay relevant impact fees to fund mitigation measures needed to meet future traffic conditions resulting from development in the North San José area. Traffic impact fees will be spent on projects identified as mitigation measures in the North San José Area Development Environmental Impact Report (EIR).

The project also proposes design features (including TDM measures) that encourage bicycle and pedestrian movements (refer to *Section 4.3 Air Quality*). As a result, the proposed project is consistent with the traffic provisions of the Policy.

Infrastructure Improvements

The proposed project is consistent with the Policy's provisions for infrastructure improvements. As discussed in *Section 4.16 Utilities and Service Systems*, the existing utility systems have adequate capacity to serve the proposed project and the project would connect to existing utility lines in nearby streets.

Allocation of Capacity

The NSJ Policy provides for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and 32,000 new dwelling units in the Rincon area. The proposed project would draw from Phase I building allocation under the NSJ Policy. (Note to City: please confirm) The project site is not within the Core area, but it is within one mile of a light-rail transit station. There are two light rail stations within one mile of the project site.

Design Criteria

The proposed project is consistent with the North San José Area Development Policy's Industrial Design Guidelines. Table 4.10-2 provides a summary of the project's consistency with the Policy's provisions.

4.10.2.2 *Land Use Compatibility*

Land use conflicts can arise from two basic causes: 1) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility; or 2) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope.

Federal Aviation Administration Determination

The proposed common land use is generally consistent with the Comprehensive Land Use Plan (CLUP). As discussed in Section 4.8 Hazards and Hazardous Materials, the project site is subject to building height restrictions under Federal Aviation Regulations, Part 77, which is administered by the Federal Aviation Administration (FAA) and incorporated into Santa Clara County Airport Land Use Commission policy. The proposed project is consistent with FAA Regulations, and as stated in Section 4.8.2.3 earlier, obtaining the FAA's No Hazard Determination would be a condition of project approval.

Agricultural Land and Open Space Impacts

The proposed development would not impact agricultural lands because the site does not include any areas of prime agricultural land, the site has not been used for agriculture, it is designated for urban uses, and the site is surrounded by urban uses.

Interface with Existing Uses

The project site is surrounded by warehouse retail to the north, Coyote Creek and undeveloped land to the northeast across Schallenberger Road, heavy industrial uses to the south and east across the UPRR tracks, and an industrial building to the west. There is a single private residence located southeast of the project site.

Standard Project Conditions:

The following measures are identified as part of the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR to be required of future industrial development in North San José and are proposed by the project to further reduce land use compatibility impacts:

- Compliance with the City of San José *General Plan Policies*, including the following:

North San José Area Development Policy

- *Industrial Land Use Policy #12:* Employee intensive uses should be encouraged to locate near transit facilities.
- *Industrial Land Use Policy #19:* New industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such

connections should also be made between the new development and adjacent public streets.

Envision San José 2040 General Plan

- *Policy LU-1.5:* With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
- *Policy LU-1.6:* Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers or increase services to areas with high concentrations of residents, workers, or visitors.

4.10.3 Conclusion

The proposed project, with the implementation of the above standard project conditions, would not result in any new or more significant land use compatibility impacts than those addressed in the certified 2005 NSJ FPEIR or certified 2011 Envision San José 2040 General Plan FPEIR. **Same Impact as Approved Project (Less than Significant Impact).**

4.12 NOISE

The following discussion is based upon a noise assessment study completed for the 2011 Envision San José 2040 General Plan FPEIR by *Illingworth & Rodkin*.

4.12.1 Setting

The ambient noise conditions and regulatory requirements regarding noise have not changed since the certification of the 2011 Envision San José 2040 General Plan FPEIR.

4.12.1.1 *Existing Noise Conditions*

The project site is located on the corner of Ridder Park Drive and Schallenberger Drive in North San José (refer to Figure 2.0-2). It is currently developed with a landscaped park, vehicle maintenance building and surface parking areas. The noise impacting the project site primarily results from transportation noise sources in the site vicinity, including traffic on nearby Highway I-880.

In the noise assessment prepared for the 2011 Envision San José 2040 General Plan FPEIR, it was determined that the existing noise levels in the project vicinity ranged around 75 dBA DNL.¹ In 2035, projected noise levels in the project area will range from 60 to 69 dBA DNL.

The project does not fall within the noise contour impact area of the Norman Y. Mineta San José International Airport.

4.12.1.2 *Noise Standards*

Based on the City's General Plan, Table 4.12-1 shows the noise levels considered consistent with specific land uses. For office and commercial uses, outdoor noise levels of up to 70 decibels are considered satisfactory and up to 75 decibels are permitted for new development if the indoor noise level does not exceed 45 decibels and outdoor uses are limited to acoustically protected areas.

Relevant San José General Plan Policies

- Policy EC-1.7** Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures,

¹ The Day/Night Average Sound Level (DNL). The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.

posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-1.9

Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

Policy EC-2.1

Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

Table 4.12-1						
General Plan Land Use Compatibility Guidelines (GP Table EC-1)						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.						
<div> <div></div> Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. </div>						
<div> <div></div> Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design. </div>						
<div> <div></div> Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines. </div>						

4.12.3**Environmental Checklist and Discussion of Impacts**

NOISE						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

The currently proposed project will result in the same impact as the approved project, contributing to a significant unavoidable cumulative traffic noise impact, and Less than Significant project-specific impacts, as described below.

4.12.3.1 *Noise Impacts from the Project*

The proposed project would construct 182,000 gross square feet of industrial space in one single-story office/R&D building. The project would also construct an associated parking area. The existing structures would be demolished to accommodate the development.

Traffic-Generated Noise Impacts

The Envision San José 2040 General Plan FPEIR identified that future development in North San José would generate an increase in traffic along the local roadway network and noise levels for highways and expressways would also increase incrementally.

In the vicinity of the project in North San Jose, the Envision San José 2040 General Plan FPEIR determined that noise levels would increase between 2008 and 2035 with build-out of the General Plan. Specifically, the roadway segment from Oakland Road south of Brokaw Road is projected to experience a three dBA increase in the Day/Night Average Sound Level (DNL), from 72 to 75. (Table 23, p. 202).²

Although the proposed project is located in an industrial/office area, it is within 500 feet of noise sensitive land uses. As a result, traffic generated by the proposed project could have a significant impact to nearby residences. The Envision San Jose 2040 General Plan requires the use of noise attenuation techniques in the design of streets projected to adversely impact sensitive uses. Since the noise impacts of industrial development in this area have already been evaluated and the necessary mitigation measures adopted, this project will not have a new impact.

Development in the North San José area, including the proposed project, would attempt to reduce traffic-related noise by implementation of TDMs described in *Section 4.15 Transportation*. Even with these measures, it was concluded in the certified 2011 Envision San José 2040 General Plan FPEIR that noise impacts at some locations would remain significant and unavoidable and the City Council adopted a statement of overriding consideration for the impact. The project would contribute to this noise impact.

Impact NOI – 1: Traffic from the proposed project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact. **Same Impact as Approved Project (Contribution to Significant Unavoidable Cumulative Impact)**

Short-Term Construction Impacts

Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjoining noise sensitive land uses, or when construction occurs over extended periods of time. Significant noise impacts do not normally occur when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period at a particular sensitive receptor is limited to one construction season (typically one year) or less. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials, reduce construction-related noise impacts.

Construction activities will take approximately 7 months. The project site is surrounded by industrial office/R&D development. However, there is a noise-sensitive residential development less than 500 feet southeast of the project site, on Schallenberger Road.

² City of San Jose. Envision San Jose 2040 General Plan Program EIR. June 2011.

Impact NOI – 2: The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities, which could adversely affect a noise-sensitive use. **(Potentially Significant Impact)**

Standard Project Conditions are identified as part of the certified 2011 Envision San José 2040 General Plan FPEIR and 2005 NSJ FPEIR, and will be implemented as part of the project. Implementation of General Plan Policy EC-1.7 *Community Noise Levels and Land Use Compatibility Policy* will require a noise logistics plan which would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

MM NOI-2:

The project will implement the following measures as part of a construction noise plan to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected;
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
- Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule;
- Since this site is located within 500 feet of a residential unit, all noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way shall be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Construction activities are not allowed to occur anytime on weekends or holidays

4.12.3.2 *Noise Impacts to the Project*

The proposed project is the development of office/industrial uses on a site with outdoor noise levels ranging from 70-75 dBA DNL. Outdoor noise levels of up to 75 decibels (DNL) are considered satisfactory for industrial park sites, and as mentioned in *Section 4.12.1.2*, noise levels near the project site do not exceed 75 decibels. Standard construction techniques would reduce interior noise levels 30 decibels lower than the exterior levels, resulting in building interior noise levels of less than 45 decibels.

The office/industrial land use is compatible with aircraft noise impact areas and compliant with the General Plan noise policies. The project would not result in any new or more significant noise levels than were previously described in the NSJ FPEIR or Envision San José 2040 General Plan FPEIR

4.12.4 Conclusion

Impact NOI – 1: Traffic from the proposed project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact. The project is compatible with the ambient noise level. **Same Impact as Approved Project (Contribution to Significant Unavoidable Cumulative Impact)**

Impact NOI – 2: **Impact NOI – 2:** The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities, which could adversely affect a noise-sensitive use. **(Potentially Significant Impact)**

The proposed project, with the implementation of **Mitigation Measure NOI-2**, would not result in any new or more significant short-term construction noise impacts than those addressed in the certified 2011 Envision San José 2040 General Plan FPEIR. **Same Impact as Approved Project (Less than Significant Impact).**

4.16 TRANSPORTATION

4.16.1 Setting

The transportation system in the project area, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (i.e., bus and light rail services) has not substantially changed since the certification of the NSJ FPEIR in June 2005.

4.16.1.1 North San José Area Development Policy

The City adopted a new Area Development Policy for North San José as part of the approved North San José Development Policies Update. The policy makes better use of the land in North San José by encouraging intensification of an existing urbanized area in order to significantly increase transit use and discourage sprawl on the outer edges of Santa Clara County and the Central Valley.

The proposed project site is located within the North San José Development Policy area. The Area Development Policy allows the project site to be redeveloped with higher density industrial land uses, even though the City’s Level of Service (LOS) policy cannot be achieved in the project area.

An area wide traffic impact analysis was prepared as part of the North San Jose Area Development Policy, adopted 2005. Traffic impacts were identified and resulted in area wide traffic impact fees. This project is covered under the North San Jose EIR.

4.16.1.2 Site Access

The site is currently developed with a large landscaped park, a vehicle maintenance building and surrounding surface parking. There are two existing driveways on Ridder Park Drive. Pedestrian access is available from sidewalks located on Ridder Park Drive.

The project proposes to remove the existing driveways and build a new driveway entrance on Ridder Park Drive at the southernmost boundary of the project site. Additionally, a new driveway entrance will be constructed on Schallenberger Drive.

4.16.2 Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						

TRANSPORTATION/TRAFFIC						
	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The currently proposed project will contribute to the significant unavoidable traffic impacts resulting from the North San Jose Development Policies Update (the approved project) as disclosed in the 2005 NSJ FPEIR, as discussed below.

4.16.2.1 *Level of Service*

The traffic impacts from the proposed office/R&D development have already been analyzed and accounted for in the certified 2005 NSJ FPEIR. Implementation of the proposed project will contribute to the overall level of service (LOS) impact on local intersections and freeway segments in the North San José area. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the NSJ FPEIR transportation impacts in accordance with CEQA Guidelines Section 15093. This project will not result in any new or more significant impacts to the LOS of any local intersection or freeway segment than were previously identified in the NSJ FPEIR in that the project will receive allocation from the ‘pool’ of Phase I industrial development created by the NSJ Development Policies update.

The approximately 160,000 square feet of net new usable development proposed on the site falls under the provisions of the North San José Area Development Policy and is subject to the Deficiency Fee per the policy. These fees will be used to fund construction of a series of transportation improvements identified concurrent with Phase I in the 2005 NSJ Final EIR.

Even with these prescribed improvements for the North San José Area, traffic impacts at some locations would remain significant and unavoidable; the City Council adopted a statement of overriding considerations for this impact.

The proposed project would include Transportation Demand Management (TDM) measures as required in the NSJ FPEIR to reduce air pollution emissions. Relevant TDM measures include the provision of bike and pedestrian facilities, implementation of carpool/vanpool programs, and use of various transit and other non-auto incentive programs for employees.

Standard Project Conditions:

- The proposed project shall comply with the City’s *North San José Area Development Policy* and Deficiency Plan Fee.
- According to the North San Jose Area Development Policy, “high intensity development proposals (that include parking in excess of 105% of the City requirement) will need allocation based upon the City’s Zoning Code parking ratio for the proposed use (e.g. for industrial park development, 350 square feet of development capacity will need to be allocated to the property for each additional parking space in excess of 105% of the minimum requirement). Allocations for high intensity uses will be subject to all of the provisions of this Policy, including payment of the Traffic Impact Fee. The current project does **not** exceed the minimum parking requirement and would **not** be subject to this fee.
- Consistent with the NSJ FPEIR, the proposed project is required to pay a traffic impact fee (TIF). The 2014 fee is \$13.54 per square foot of industrial use and subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2015. This fee must be paid prior to issuance of Public Works Clearance.

4.16.2.2 *Parking*

Surface parking would provide a total of 159 parking stalls. The required parking ratios established for the site (table 4.16.1) correspond with Section 20.90 of the San Jose Municipal Code. The net building area for the project is 175,375 sq.ft., thus requiring 159 total parking stalls (table 4.16.2).

Bike parking for the proposed project is required at a rate of 1 per 4,000 sq.ft. of office building area (total) and 1 per 5,000 sq.ft. of industrial/manufacturing/R&D building area (total). The project proposes to provide 9 bike parking spaces at a minimum.

**Table 4.16.1
Parking Requirements**

USE	PARKING	BIKE STORAGE	MOTORCYCLE
INDUSTRIAL	1 PER 350 S.F. FA	1 PER 5000 S.F. FA	1 PER 50 SPACES
MANUFACTURING	1 PER 350 S.F. FA	1 PER 5000 S.F. FA	1 PER 50 SPACES
R&D	1 PER 350 S.F. FA	1 PER 5000 S.F. FA	1 PER 50 SPACES
WAREHOUSE	1 PER 5000 S.F. GFA	1 PER 10 EMPLOYEES	1 PER 10 SPACES
OFFICE: BUSINESS	1 PER 250 S.F. FA	1 PER 4000 S.F. FA	1 PER 20 SPACES
OFFICE: R&D	1 PER 300 S.F. FA	1 PER 4000 S.F. FA	1 PER 20 SPACES

**Table 4.16.2
Parking Count**

USE	BUILDING AREA GROSS SQ.FT.	FLOOR SPACE 'NET'	PARKING	ACCESSIBLE PARKING	MOTORCYCLE	BICYCLE
WAREHOUSE	137,500 S.F.	137,500/5000	28		2	TBD
OFFICE	22,500 S.F.	x 0.85 = 18,750/250	77		3	4.7
PRODUCTION	22,000 S.F.	x 0.85 = 19,125/250	54		1	4.8
TOTALS	182,000	REQUIRED	159	6 + (1) VAN	6	9+ TBD

4.16.3 Conclusion

The proposed project, with the implementation of the above standard project conditions, would not result in new or more significant impacts to the transportation system than those addressed in the certified 2005 NSJ FPEIR. **Same Impact as Approved Project (Less than Significant Impact).**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities serving the project area have not changed since the certification of the 2011 2005 NSJ FPEIR or the Envision San José 2040 General Plan FPEIR.

4.17.1.1 Water Service

The project site is located within the jurisdictional boundary limits of San José Municipal Water, a subsidiary agency of the City of San José that provides water service to a large portion of the City. Existing water lines will provide potable water, irrigation and fire services to the project development.

The City of San José administers the South Bay Water Recycling (SBWR) system. The system currently has over 130 miles of pipeline, five pump stations, and over 625 customers. The City promotes the use of recycled water in order to reduce dependency on imported fresh drinking water and to preserve the existing fresh water supply. Recycled water is delivered to customers via ‘purple pipe,’ and can be used for landscape irrigation, cooling buildings, and industrial processes. According to the SBWR Recycled Water Pipeline System map³, there is a purple pipe connection adjacent to the site on Ridder Park Drive.

4.17.1.2 Sanitary Sewer/Wastewater Treatment

Wastewater from the City of San José is treated at the San José/Santa Clara Water Pollution Control Plan (WPCP), located near Alviso. The WPCP provides primary, secondary and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day (mgd).

4.17.1.3 Storm Drainage System

Storm drainage lines in the area are owned and maintained by the City of San José. All of the lines that serve the project site drain to outfalls along Coyote Creek which flows north into the San Francisco Bay.

4.17.1.4 Solid Waste

All businesses in San Jose are served by Republic Services, and non-residential waste may be disposed of at any of four privately owned landfills in San José. According to the Source Reduction and Recycling Element prepared for the City of San José and the County-wide Integrated Waste Management Plan, there is sufficient landfill capacity for Santa Clara County needs for at least 25 more years. Recycling services are available to most businesses.

4.17.2 Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS

³ City of San José South Bay Water Recycling (SBWR). *Recycled Water*. Accessed November 27, 2012.
<http://www.sanjoseca.gov/index.aspx?NID=1586>

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The currently proposed project will result in the same impact as the approved project, i.e. Less than Significant, as described below.

4.17.2.1 Water Service

The project proposes water lines to connect to the existing water main serving the site and surrounding area. Implementation of the proposed project will generate increased water demand from the approximately 160,000 sq.ft. of industrial, warehouse and office space.

The NSJ FPEIR concluded that both San José Water Company and the San José Municipal Water System (SJMWS) would be able to provide water service to all future development allowed under the

North San José Development Policies Update, which includes the proposed project. The proposed project will not result in any new or more significant impacts to the water supply than were previously identified in the NSJ FPEIR. The project does not propose to use recycled water at this time; however, project site is adjacent to a recycled water line which may be tapped for the project in the future. The project's LEED checklist (Appendix F) indicates the project includes a series of water efficiency measures to limit new demand.

4.17.2.2 Sanitary Sewer/Wastewater Treatment

Implementation of the proposed project will generate increased wastewater from the approximately 160,000 sq.ft. of industrial, warehouse and office space. There is currently adequate sewer capacity to serve this project. Sanitary sewer lateral shall connect to Ridder Park Drive. As the net new sq.ft. is being drawn from the 'pool' of new building space created with Phase I of the North San Jose Development Policies Update, the incremental effects of the additional wastewater have been addressed in the 2005 NSJ FPEIR.

In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

4.17.2.3 Storm Drainage System

As stated in *Section 4.9 Hydrology*, implementation of the proposed project will result in increase in impervious surfaces on the project site, which will result in an increase in stormwater runoff entering the storm drain system. Additionally the project design includes a series of treatment control and source control measures to further reduce the peak flows running off of the site and remove contaminants that could impair water quality.

The proposed project has been designed to demonstrate compliance with the requirements for the Municipal Regional Stormwater NPDES Permit (MRP) issued by the California Regional Water Quality Control Board, commonly referred to as Provision C.3 and governed in San Jose by City Policies 6-29 and 8-14. To address the municipal permit requirements, the project proposes to install a combination of source control measures, see *Section 4.9.2.3 Water Quality*.

4.17.2.4 Solid Waste

Implementation of the proposed project will result in a net increase of solid waste generated on the project site. The NSJ FPEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving San José to accommodate waste generated by the development approved under the North San José Development Policies Update, which included the proposed project. As a result, implementation of the proposed project will not result in any new or more significant impacts to solid waste collection and disposal than were previously identified in the NSJ FPEIR.

Standard Project Conditions:

- Ensure storage area is large enough to accommodate both garbage and recycling containers. The minimum enclosure size to accommodate two three cubic yard bins is 11.5 feet by eight feet with an additional eight feet in front for the concrete service pad.

- Ensure trash/recycling enclosure has a covering (roof structure or similar) to minimize storm water intrusion. Drainage within enclosure area should slope inward and be connected to sanitary system or drain into landscaped areas.
- Ensure enclosure has enough capacity, or frequency of collection for garbage and recycling, to accommodate site operations.
- Ensure proper hauler access to solid waste containers. Validate width of driveway and vehicle turning radius. Enclosure areas must be accessible by garbage/recycling trucks by providing minimum 22 foot wide driveways and a 50 foot turning radius for collection vehicles unless other waste management practices will be implemented.
- Ensure that project demolition debris is properly recycled or disposed. Details on recycling construction waste are available through the Construction and Demolition Diversion Deposit (CDDD) incentive program. Information is available at: <http://www.sanjoseca.gov/construction-demolition>
- The proposed commercial development must follow the requirements for recycling container space.⁴ When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
- It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill.⁵ An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. Additional information can be found at <http://www.sanjoseca.gov/construction-demolition> or by contacting the Commercial Solid Waste Program at (408) 535-8550.
- The City will be enhancing elements of the solid waste management program for commercial and industrial developments, which include the recycling of food waste and related materials starting July 2012. Such program enhancements have been addressed to the City Council for approval in March 2009. Developments will need to provide adequate space for the collection of garbage, recycling and food waste material.

4.17.3 Conclusion

The proposed project, with implementation of standard project conditions for solid waste storage, will not result in any new or more significant utilities impacts than were previously identified in the NSJ FPEIR and 2011 Envision San José 2040 General Plan FPEIR. **Same Impact as Approved Project (Less than Significant Impact).**

⁴ In accordance with the California Public Resource Code, Chapter 18, Articles 1 and 2.

⁵ In accordance with the San Jose Municipal Code, Chapter 9.10-Solid Waste Management.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)
1) Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
3) Does the project have possible environmental effects that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The certified 2005 NSJ FPEIR analyzed the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new dwelling units in the North San José area.

The project proposes to develop 182,000 gross (160,000 net usable) sq.ft. of new office/industrial space (replacing park area and a 20,324 sq.ft. existing building). The proposed development is included within the amount of development analyzed in the NSJ FPEIR and planned for the North San José area. Because the proposed project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the proposed project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

The project site is a developed site and is not considered burrowing owl habitat, but does feature numerous large mature trees that could be used for nesting by protected raptors. The project proposes pre-construction surveys, as described in *Section 4.4, Biological Resources*.

The proposed development would contribute to significant cumulative transportation, air quality, and noise impacts resulting from full build out of North San José under the North San José Development

Policies Update. No feasible mitigation measures have been identified to reduce these cumulative impacts to a less than significant level. The proposed project will not result in any new or more substantial significant impacts than were previously identified in the NSJ FPEIR or Envision San Jose General Plan EIR, and measures included in the 2005 NSJ FPEIR and included in the Envision San Jose General Plan EIR.

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. Final Environmental Impact Report, North San José Development Policies Update. June 2005.
3. City of San José. Final Program Environmental Impact Report for Envision San Jose 2040 General Plan. September 2011.
4. California Department of Conservation. Santa Clara County Important Farmland 2010. Map.
5. Bay Area Air Quality Management District. CEQA Guidelines Update-Thresholds of Significance. June 2010.
6. Deborah Ellis. Arborist Report 750 Ridder Park Drive. June 2014
7. Cornerstone Earthgroup. Phase I Environmental Site Assessment. June 2014.
8. Versar. Pre-Demolition Hazardous Materials Survey. August 2013.
9. Versar. Phase II Environmental Site Assessment. August 2013.
10. Versar. Phase I Environmental Site Assessment. October 2008.
11. State Water Resources Control Board. Geotracker Database. August 2013.
12. City of San José. Envision San José 2040 General Plan.

SECTION 5.0 REFERENCES

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